

Message

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**From:** Simes, Benjamin [Simes.Benjamin@epa.gov]  
**Sent:** 7/14/2017 12:42:29 PM  
**To:** Azad, Ava [Azad.Ava@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]  
**CC:** Gervais, Gregory [Gervais.Gregory@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Young, Dianna [Young.Dianna@epa.gov]  
**Subject:** RE: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Ava and Sally,

Charlotte had me take a look at this, I have a couple of questions that I hope you can answer.

Two things:

1.

2.

## Ex. 5 - DPP, ACP, and AWP

Thanks,

Benjamin Simes, CHMM  
US EPA, OLEM  
Federal Facilities Restoration and Reuse Office  
202-564-0527 D  
571-302-6189 C  
202-564-0771 F

---

**From:** Bertrand, Charlotte  
**Sent:** Tuesday, July 11, 2017 5:45 PM  
**To:** Simes, Benjamin <Simes.Benjamin@epa.gov>  
**Cc:** Gervais, Gregory <Gervais.Gregory@epa.gov>  
**Subject:** FW: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Ben – do you have any comments or concerns with this? Thanks, Charlotte

---

**From:** Azad, Ava  
**Sent:** Tuesday, July 11, 2017 5:42 PM  
**To:** Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Cc:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Subject:** RE: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Hi Lewis,

Thank you for the opportunity to review the NOV letter for Moffett. Attached is the letter with some Track Changes from Sally.

Below are additional comments from Stuart. We understand some of these comments may be more detailed than what you are looking for at this time, and may be better to incorporate at the next stage in the process. However, we thought we would share them with you so you can use them now or have them for reference going forward.

Please let us know what you think. Thank you.

## **Ex. 5 - DPP, ACP, and AWP**

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
P: (202) 564-4473  
F: (202) 501-0069

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**From:** Maldonado, Lewis

**Sent:** Friday, July 07, 2017 6:30 PM

**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>

**Cc:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>

**Subject:** NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Sally and Ava –

Ex. 5 - DPP, ACP, and AWP

## **Ex. 5 - DPP, ACP, and AWP**

Could you review the draft letter and let us know if you have any comments?

**Ex. 5 - DPP, ACP, and AWP**

**Ex. 5 - DPP, ACP, and AWP**

We'd like to send the letter out by Wednesday or Thursday of next week.

Thanks.

Lewis C. Maldonado  
ORC Hazardous Waste Branch Chief  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street (ORC-3)  
San Francisco, CA 94105  
Phone: (415) 972-3926 Fax: (415) 947-3570

Message

---

**From:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Sent:** 6/29/2017 5:00:49 PM  
**To:** Dreyfus, Bethany [Dreyfus.Bethany@epa.gov]  
**CC:** Azad, Ava [Azad.Ava@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]; Chesnutt, John [Chesnutt.John@epa.gov]  
**Subject:** Re: Potential blurb for Administrator's report

Thank you, Bethany. I will let my OD, Karin, know that you are not ready yet, and share your corrections with her.

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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**From:** Dreyfus, Bethany  
**Sent:** Thursday, June 29, 2017 12:54 PM  
**To:** Garvey, Melanie  
**Cc:** Azad, Ava; Dalzell, Sally; Chesnutt, John  
**Subject:** RE: Potential blurb for Administrator's report

Hi Melanie. I don't think that we are ready to go out with this information yet – we are doing some internal briefing on it today and can let you know more after that. In the meantime, here are some edits to what you provided.

**Ex. 5 - DPP, ACP, and AWP**

# Ex. 5 - DPP, ACP, and AWP

Bethany Dreyfus  
EPA Region IX ORC-3  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972-3886  
(415) 947-3570 (fax)

---

**From:** Garvey, Melanie  
**Sent:** Thursday, June 29, 2017 8:51 AM  
**To:** Dreyfus, Bethany <Dreyfus.Bethany@epa.gov>  
**Cc:** Azad, Ava <Azad.Ava@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** Fw: Potential blurb for Administrator's report

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Miles, Erin  
**Sent:** Thursday, June 29, 2017 11:48 AM  
**To:** Leff, Karin  
**Cc:** Azad, Ava; Garvey, Melanie; Dalzell, Sally  
**Subject:** RE: Potential blurb for Administrator's report

Thanks.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

---

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 11:26 AM  
**To:** Miles, Erin <Miles.Erin@epa.gov>  
**Cc:** Azad, Ava <Azad.Ava@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** Potential blurb for Administrator's report

I contacted the region to see if they are submitting something. I haven't heard back. Here's what I suggest.

## **Ex. 5 - DPP, ACP, and AWP**

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Message

---

**From:** Dreyfus, Bethany [Dreyfus.Bethany@epa.gov]  
**Sent:** 6/29/2017 4:54:11 PM  
**To:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**CC:** Azad, Ava [Azad.Ava@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]; Chesnutt, John [Chesnutt.John@epa.gov]  
**Subject:** RE: Potential blurb for Administrator's report

Hi Melanie. I don't think that we are ready to go out with this information yet – we are doing some internal briefing on it today and can let you know more after that. In the meantime, here are some edits to what you provided.

# Ex. 5 - DPP, ACP, and AWP

Bethany Dreyfus  
EPA Region IX ORC-3  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972-3886  
(415) 947-3570 (fax)

---

**From:** Garvey, Melanie  
**Sent:** Thursday, June 29, 2017 8:51 AM  
**To:** Dreyfus, Bethany <Dreyfus.Bethany@epa.gov>  
**Cc:** Azad, Ava <Azad.Ava@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** Fw: Potential blurb for Administrator's report

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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**From:** Miles, Erin  
**Sent:** Thursday, June 29, 2017 11:48 AM  
**To:** Leff, Karin  
**Cc:** Azad, Ava; Garvey, Melanie; Dalzell, Sally  
**Subject:** RE: Potential blurb for Administrator's report

Thanks.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

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**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 11:26 AM  
**To:** Miles, Erin <[Miles.Erin@epa.gov](mailto:Miles.Erin@epa.gov)>  
**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** Potential blurb for Administrator's report

I contacted the region to see if they are submitting something. I haven't heard back. Here's what I suggest.

# Ex. 5 - DPP, ACP, and AWP

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Message

---

**From:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Sent:** 6/29/2017 3:52:15 PM  
**To:** Miles, Erin [Miles.Erin@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]  
**CC:** Azad, Ava [Azad.Ava@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]  
**Subject:** Re: Potential blurb for Administrator's report

Hi Erin-

I asked the Region 9 attorney who we are working with on the matter to review the paragraph for accuracy and timing-

**Ex. 5 - Deliberative Process**

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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**From:** Miles, Erin  
**Sent:** Thursday, June 29, 2017 11:48 AM  
**To:** Leff, Karin  
**Cc:** Azad, Ava; Garvey, Melanie; Dalzell, Sally  
**Subject:** RE: Potential blurb for Administrator's report

Thanks.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

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**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 11:26 AM  
**To:** Miles, Erin <Miles.Erin@epa.gov>  
**Cc:** Azad, Ava <Azad.Ava@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** Potential blurb for Administrator's report

I contacted the region to see if they are submitting something. I haven't heard back. Here's what I suggest.

**Ex. 5 - DPP, ACP, and AWP**

# Ex. 5 - DPP, ACP, and AWP

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Message

---

**From:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Sent:** 6/29/2017 3:50:38 PM  
**To:** Dreyfus, Bethany [Dreyfus.Bethany@epa.gov]  
**CC:** Azad, Ava [Azad.Ava@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]  
**Subject:** Fw: Potential blurb for Administrator's report

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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**From:** Miles, Erin  
**Sent:** Thursday, June 29, 2017 11:48 AM  
**To:** Leff, Karin  
**Cc:** Azad, Ava; Garvey, Melanie; Dalzell, Sally  
**Subject:** RE: Potential blurb for Administrator's report

Thanks

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

---

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 11:26 AM  
**To:** Miles, Erin <Miles.Erin@epa.gov>  
**Cc:** Azad, Ava <Azad.Ava@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** Potential blurb for Administrator's report

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**Ex. 5 - DPP, ACP, and AWP**

# Ex. 5 - DPP, ACP, and AWP

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Message

---

**From:** Miles, Erin [Miles.Erin@epa.gov]  
**Sent:** 6/29/2017 3:48:13 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]  
**CC:** Azad, Ava [Azad.Ava@epa.gov]; Garvey, Melanie [Garvey.Melanie@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]  
**Subject:** RE: Potential blurb for Administrator's report

Thanks

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

---

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 11:26 AM  
**To:** Miles, Erin <Miles.Erin@epa.gov>  
**Cc:** Azad, Ava <Azad.Ava@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** Potential blurb for Administrator's report

I contacted the region to see if they are submitting something. I haven't heard back. Here's what I suggest.

**Ex. 5 - DPP, ACP, and AWP**

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Thank you.

Message

---

**From:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Sent:** 7/27/2017 7:26:03 PM  
**To:** King, Carol [King.Carol@epa.gov]; Freyre, Dominique [Freyre.Dominique@epa.gov]; Azad, Ava [Azad.Ava@epa.gov]  
**CC:** Leff, Karin [Leff.Karin@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Speir, Jeffrey [speir.jeffrey@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]  
**Subject:** Re: Emailing - FF SDWA penalty authority.pdf from Sally D.

We should discuss further. In the federal facility world we do not have the ability to take civil judicial action. So fortunately when the waiver was added in 1996, Congress gave EPA administrative penalty authority.

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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**From:** King, Carol  
**Sent:** Thursday, July 27, 2017 3:18 PM  
**To:** Freyre, Dominique; Azad, Ava  
**Cc:** Garvey, Melanie; Leff, Karin; Muller, Marie; Speir, Jeffrey; Theis, Joseph; Denton, Loren  
**Subject:** RE: Emailing - FF SDWA penalty authority.pdf from Sally D.

Thanks for sending the 1998 Steve Herman memo. I'm not familiar with it, but will review. If FFEO wants to include

## Ex. 5 - DPP, ACP, and AWP

Thanks,  
Carol

---

**From:** Freyre, Dominique  
**Sent:** Thursday, July 27, 2017 3:04 PM  
**To:** Azad, Ava <Azad.Ava@epa.gov>; King, Carol <King.Carol@epa.gov>  
**Cc:** Garvey, Melanie <Garvey.Melanie@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie

<MULLER.MARIE@EPA.GOV>

**Subject:** Emailing - FF SDWA penalty authority.pdf from Sally D.

Message

---

**From:** DeGrandi, Michelle [Michelle.DeGrandi@va.gov]  
**Sent:** 6/22/2017 9:30:11 PM  
**To:** Azad, Ava [Azad.Ava@epa.gov]  
**CC:** Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Freyre, Dominique [Freyre.Dominique@epa.gov]; Johnson, Joyce-R6 [johnson.joyce-r6@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]  
**Subject:** RE: [EXTERNAL] FW: VA Little Rock - Draft CAFO and Next Steps - Settlement Confidential Communication

**Ex. 7(a)**

Thanks!

Michelle M. DeGrandi  
Environmental Attorney  
Office of General Counsel (RPLG)  
Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221  
(913) 400-2106

---

**From:** Azad, Ava [mailto:Azad.Ava@epa.gov]  
**Sent:** Thursday, June 22, 2017 4:09 PM  
**To:** DeGrandi, Michelle  
**Cc:** Pendleton, Gracie; Freyre, Dominique; Johnson, Joyce-R6; Tidmore, Guy; Potts, Mark  
**Subject:** RE: [EXTERNAL] FW: VA Little Rock - Draft CAFO and Next Steps - Settlement Confidential Communication

Michelle,

Thank you for checking.

Ex. 5 and Ex. 7(a) - DPP and Enforcement

**Ex. 5 and Ex. 7(a) - DPP and Enforcement**

Please let me know if you have any other questions.

Thanks.

SETTLEMENT CONFIDENTIAL COMMUNICATION

Dear Ms. Meece,

**Ex. 5 and Ex. 7(a) - DPP and Enforcement**

# Ex. 5 and Ex. 7(a) - DPP and Enforcement

Thank you.

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
P: (202) 564-4473  
F: (202) 501-0069

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---

**From:** DeGrandi, Michelle [<mailto:Michelle.DeGrandi@va.gov>]  
**Sent:** Thursday, June 22, 2017 4:49 PM  
**To:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>  
**Subject:** RE: [EXTERNAL] FW: VA Little Rock - Draft CAFO and Next Steps - Settlement Confidential Communication

Do you want me to make comments on this draft or will you be sending an updated draft?

Michelle M. DeGrandi  
Environmental Attorney  
Office of General Counsel (RPLG)  
Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221  
(913) 400-2106

---

**From:** Azad, Ava [<mailto:Azad.Ava@epa.gov>]  
**Sent:** Tuesday, June 13, 2017 4:25 PM  
**To:** DeGrandi, Michelle  
**Cc:** Pendleton, Gracie; Johnson, Joyce-R6; Freyre, Dominique  
**Subject:** RE: [EXTERNAL] FW: VA Little Rock - Draft CAFO and Next Steps - Settlement Confidential Communication

Hi Michelle,

# Ex. 5 and Ex. 7(a) - DPP and Enforcement

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office

U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
P: (202) 564-4473  
F: (202) 501-0069

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---

**From:** DeGrandi, Michelle [<mailto:Michelle.DeGrandi@va.gov>]  
**Sent:** Thursday, June 08, 2017 5:11 PM  
**To:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>  
**Subject:** RE: [EXTERNAL] FW: VA Little Rock - Draft CAFO and Next Steps - Settlement Confidential Communication

## Ex. 5 and Ex. 7(a) - DPP and Enforcement

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** Azad, Ava [[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)]  
**Sent:** Thursday, June 08, 2017 05:06 PM Eastern Standard Time  
**To:** DeGrandi, Michelle  
**Subject:** [EXTERNAL] FW: VA Little Rock - Draft CAFO and Next Steps - Settlement Confidential Communication

Here is the CAFO.

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
P: (202) 564-4473  
F: (202) 501-0069

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---

**From:** Azad, Ava  
**Sent:** Thursday, March 23, 2017 5:50 PM

To: Ex. 6 - Personal Privacy [REDACTED]@va.gov' <Ex. 6 - Personal Privacy [REDACTED]@va.gov>; 'Michelle.DeGrandi@va.gov' <Michelle.DeGrandi@va.gov>;  
Ex. 6 - Personal Privacy [REDACTED]@va.gov' <Ex. 6 - Personal Privacy [REDACTED]@va.gov>

Cc: Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Freyre, Dominique <freyre.dominique@epa.gov>

Subject: VA Little Rock - Draft CAFO and Next Steps - Settlement Confidential Communication

SETTLEMENT CONFIDENTIAL COMMUNICATION—FOR SETTLEMENT PURPOSES ONLY

Dear Dr. Scott, Ms. DeGrandi, and Mr. Green,

## Ex. 5 and Ex. 7(a) - DPP and Enforcement

Please let me know if you have any questions or comments on the draft CAFO.

Gracie, Joyce, and I look forward to working with you to successfully resolve this matter.

Sincerely,  
Ava Azad

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
P: (202) 564-4473  
F: (202) 501-0069

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Message

---

**From:** Leff, Karin [Leff.Karin@epa.gov]  
**Sent:** 6/18/2017 3:34:23 AM  
**To:** Azad, Ava [Azad.Ava@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Dalzell, Sally [Dalzell.Sally@epa.gov]  
**Subject:** Fwd: Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Cozad, David" <Cozad.David@epa.gov>  
**Date:** June 16, 2017 at 7:32:20 PM EDT  
**To:** "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Leff, Karin" <Leff.Karin@epa.gov>  
**Subject:** Fwd: Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

Hi

## Ex. 5 - Deliberative Process

I told Region they should proceed

Dave Cozad  
Acting Deputy AA, OECA

Sent from my iPhone

Begin forwarded message:

**From:** "Spiegelman, Nina" <Spiegelman.Nina@epa.gov>  
**Date:** June 16, 2017 at 2:02:57 PM EDT  
**To:** "Cozad, David" <Cozad.David@epa.gov>  
**Subject:** RE: Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

Hi Dave- I left a voicemail (probably too long-sorry) on your work voicemail I was transferred to by the OECA front office. I called the cell number below and the answering message was for a Dave? Metcalf. I also tried Ex. 6 - Personal Privacy found on the skype card) and left a brief message. I appear to be in a bad phone vortex today but I will keep trying.

Thanks,  
Nina

Ex. 6 - Personal Privacy

---

**From:** Cozad, David  
**Sent:** Friday, June 16, 2017 10:48 AM  
**To:** Spiegelman, Nina <Spiegelman.Nina@epa.gov>

**Subject:** Re: Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

Hi

Call Ex. 6 - Personal Privacy

Thanks

Dave Cozad  
Acting Deputy AA, OECA

Sent from my iPhone

On Jun 16, 2017, at 1:31 PM, Spiegelman, Nina <[Spiegelman.Nina@epa.gov](mailto:Spiegelman.Nina@epa.gov)> wrote:

Hi Sylvia and Dave- I am happy to fill Dave in. What is a good number for you Dave? The 913 number in the locator does not work. Or please call me at Ex. 6 - Personal Privacy

Thanks,  
Nina

---

**From:** Quast, Sylvia  
**Sent:** Friday, June 16, 2017 8:59 AM  
**To:** Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>  
**Cc:** Spiegelman, Nina <[Spiegelman.Nina@epa.gov](mailto:Spiegelman.Nina@epa.gov)>  
**Subject:** Re: Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

Hi Dave - I'm out today, but I'm asking Nina Spiegelman, who's acting for me and is our Air Branch chief, to get back to you.

Sent from my iPhone

On Jun 16, 2017, at 9:51 AM, Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)> wrote:

Can you give me a quick call about this? One question (see the text in red): **Ex. 5 - Deliberative Process**

## Ex. 5 - Deliberative Process

---

**From:** Leff, Karin  
**Sent:** Thursday, June 15, 2017 12:53 PM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>  
**Subject:** Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

**Regarding Susan Bodine's testimony** – The enforcement discretion that Susan referred to is

informal. To our knowledge, there's not been a no action assurance or anything more formal signed by EPA. On a related note, there is an existing 1997 policy- Policy Towards Landowners and Transferees of Federal Facilities to assist with post 1986 transfers of US land. It doesn't apply to the Alaskan Native Village as the land transfer occurred pre-1986.

#### **Ex. 5 - Deliberative Process**

### **Ex. 5 - Deliberative Process**

### **Ex. 5 - DPP and ACP**

## Ex. 5 - DPP and ACP

Ex. 5 - DPP and ACP Thanks. Karin

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Message

---

**From:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Sent:** 2/13/2017 1:48:41 PM  
**To:** Wakeland, Morton [wakeland.morton@epa.gov]; Milton, Philip [Milton.Philip@epa.gov]; Clark, Katherine [Clark.Katherine@epa.gov]; Alkon, Margaret [Alkon.Margaret@epa.gov]  
**CC:** Stedeford, Todd [Stedeford.Todd@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Walker, Yolaanda [Walker.Yolaanda@epa.gov]; Stuckey, Troy [Stuckey.Troy@epa.gov]; Johnson, Joyce-R6 [johnson.joyce-r6@epa.gov]; Ruple, Rhonda [ruple.rhonda@epa.gov]; Azad, Ava [Azad.Ava@epa.gov]  
**Subject:** Re: 313 Non Compliance at Federal Facilities

Here is another link for you. It is the FFEO Toolbox. It will have an example CWA FFCA.

## Ex. 5 - Deliberative Process

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Wakeland, Morton  
**Sent:** Monday, February 13, 2017 8:20 AM  
**To:** Milton, Philip; Clark, Katherine; Alkon, Margaret; Garvey, Melanie  
**Cc:** Stedeford, Todd; Koch, Erin; Walker, Yolaanda; Stuckey, Troy; Johnson, Joyce-R6; Ruple, Rhonda  
**Subject:** RE: 313 Non Compliance at Federal Facilities

thanks much Phil for the links....

Morton E. Wakeland, Jr., Ph.D. ("Mort")  
EPCRA 313 Enforcement & TRI Program Coordinator  
U.S. EPA Region 6  
Compliance Assurance & Enforcement Division  
Waste Compliance III Section (6EN-H3)  
Dallas, Texas 75202  
214.665.8116

---

**From:** Milton, Philip  
**Sent:** Monday, February 13, 2017 6:54 AM  
**To:** Clark, Katherine <Clark.Katherine@epa.gov>; Wakeland, Morton <wakeland.morton@epa.gov>; Alkon, Margaret <Alkon.Margaret@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>  
**Cc:** Stedeford, Todd <Stedeford.Todd@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Stuckey, Troy <Stuckey.Troy@epa.gov>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Ruple, Rhonda <ruple.rhonda@epa.gov>  
**Subject:** RE: 313 Non Compliance at Federal Facilities

Mort ---

FYI, there is a website that allows you to search administrative actions at EPA, it is  
<https://yosemite.epa.gov/oa/rhc/epaadmin.nsf>

---

## Home | EPA Administrative Enforcement Dockets | US EPA

[yosemite.epa.gov](https://yosemite.epa.gov)

Welcome to the EPA's Administrative Enforcement Dockets database. This database contains the electronic dockets for administrative penalty cases filed by EPA Regions ...

---

So you can check out all the administratively filed EPCRA cases...

In that admin cases database I saw that Region 6 issued an NON to a federal facility a couple of years ago,  
[https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Filings/7D6D7BAE08DA3A9585257ECC001BC819/\\$File/US00513.pdf](https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Filings/7D6D7BAE08DA3A9585257ECC001BC819/$File/US00513.pdf)

Phil

Philip L. Milton  
Chemical Engineer | U.S. Environmental Protection Agency  
Office of Enforcement & Compliance Assurance | Office of Civil Enforcement | Waste and Chemical Enforcement Division | Chemical Risk and Reporting Enforcement Branch  
1200 Pennsylvania Avenue, NW | Mail Code: 2249A | WJC South Bldg Rm 3124-B | Washington, DC 20460  
[Milton.philip@epa.gov](mailto:Milton.philip@epa.gov) | phone: 202-564-5029 | fax: 202-564-0010

---

**From:** Clark, Katherine  
**Sent:** Monday, February 13, 2017 6:45 AM  
**To:** Wakeland, Morton <[wakeland.morton@epa.gov](mailto:wakeland.morton@epa.gov)>; Milton, Philip <[Milton.Philip@epa.gov](mailto:Milton.Philip@epa.gov)>; Alkon, Margaret <[Alkon.Margaret@epa.gov](mailto:Alkon.Margaret@epa.gov)>; Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>  
**Cc:** Stedeford, Todd <[Stedeford.Todd@epa.gov](mailto:Stedeford.Todd@epa.gov)>; Koch, Erin <[Koch.Erin@epa.gov](mailto:Koch.Erin@epa.gov)>; Walker, Yolaanda <[Walker.Yolaanda@epa.gov](mailto:Walker.Yolaanda@epa.gov)>; Stuckey, Troy <[Stuckey.Troy@epa.gov](mailto:Stuckey.Troy@epa.gov)>; Johnson, Joyce-R6 <[johnson.joyce-r6@epa.gov](mailto:johnson.joyce-r6@epa.gov)>; Ruple, Rhonda <[ruple.rhonda@epa.gov](mailto:ruple.rhonda@epa.gov)>  
**Subject:** Re: 313 Non Compliance at Federal Facilities

All -

Region 9 used to file no-penalty CAFOs. Margaret - does R9 still do that and if so, would you please send a recent example? Melanie - how does the Federal Facilities office handle violations?

Thanks,

Kathy

---

**From:** Wakeland, Morton

**Sent:** Thursday, February 9, 2017 3:53 PM

**To:** Clark, Katherine; Milton, Philip

**Cc:** Stedeford, Todd; Koch, Erin; Walker, Yolaanda; Stuckey, Troy; Johnson, Joyce-R6; Ruple, Rhonda

**Subject:** 313 Non Compliance at Federal Facilities



Do we have an example of a no penalty CAFO for a federal facility?

## Ex. 5 - Deliberative Process

However, if there is another avenue you want the Regions to take Kathy, with respect to federal facilities, please let us know.

Best week's wishes,  
Mort

Morton E. Wakeland, Jr., Ph.D. ("Mort")  
EPCRA 313 Enforcement & TRI Program Coordinator  
U.S. EPA Region 6  
Compliance Assurance & Enforcement Division  
Waste Compliance III Section (6EN-H3)  
Dallas, Texas 75202  
214.665.8116

Message

---

**From:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Sent:** 2/13/2017 1:45:46 PM  
**To:** Clark, Katherine [Clark.Katherine@epa.gov]; Wakeland, Morton [wakeland.morton@epa.gov]; Milton, Philip [Milton.Philip@epa.gov]; Alkon, Margaret [Alkon.Margaret@epa.gov]  
**CC:** Stedeford, Todd [Stedeford.Todd@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Walker, Yolaanda [Walker.Yolaanda@epa.gov]; Stuckey, Troy [Stuckey.Troy@epa.gov]; Johnson, Joyce-R6 [johnson.joyce-r6@epa.gov]; Ruple, Rhonda [ruple.rhonda@epa.gov]; Azad, Ava [Azad.Ava@epa.gov]  
**Subject:** Re: 313 Non Compliance at Federal Facilities

Hi everyone-

## Ex. 5 and Ex. 7(e) - DPP, Enforcement

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Clark, Katherine  
**Sent:** Monday, February 13, 2017 6:44 AM  
**To:** Wakeland, Morton; Milton, Philip; Alkon, Margaret; Garvey, Melanie  
**Cc:** Stedeford, Todd; Koch, Erin; Walker, Yolaanda; Stuckey, Troy; Johnson, Joyce-R6; Ruple, Rhonda  
**Subject:** Re: 313 Non Compliance at Federal Facilities

All -

Region 9 used to file no-penalty CAFOs. Margaret - does R9 still do that and if so, would you please send a recent example? Melanie - how does the Federal Facilities office handle violations?

Thanks,

Kathy

---

**From:** Wakeland, Morton

**Sent:** Thursday, February 9, 2017 3:53 PM

**To:** Clark, Katherine; Milton, Philip

**Cc:** Stedeford, Todd; Koch, Erin; Walker, Yolaanda; Stuckey, Troy; Johnson, Joyce-R6; Ruple, Rhonda

**Subject:** 313 Non Compliance at Federal Facilities



Do we have an example of a no penalty CAFO for a federal facility?

## **Ex. 5 - Deliberative Process**

However, if there is another avenue you want the Regions to take Kathy, with respect to federal facilities, please let us know.

Best week's wishes,  
Mort

Morton E. Wakeland, Jr., Ph.D. ("Mort")  
EPCRA 313 Enforcement & TRI Program Coordinator  
U.S. EPA Region 6  
Compliance Assurance & Enforcement Division  
Waste Compliance III Section (6EN-H3)  
Dallas, Texas 75202  
214.665.8116

Message

---

**From:** Hunt, Stuart [Hunt.Stuart@epa.gov]  
**Sent:** 2/16/2017 1:24:08 PM  
**To:** Azad, Ava [Azad.Ava@epa.gov]; Dixon, Chelsea [Dixon.Chelsea@epa.gov]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Subject:** FW: Status of Documents  
**Attachments:** Albuquerque EPA Inspection Resolution DR comments.docx

FYI

---

**From:** Robertson, David  
**Sent:** Thursday, February 16, 2017 8:12 AM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>  
**Cc:** Lindsey, William <Lindsey.William@epa.gov>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>  
**Subject:** RE: Status of Documents

I have made comments to the document.

---

**From:** Hunt, Stuart  
**Sent:** Wednesday, February 15, 2017 4:09 PM  
**To:** Tidmore, Guy <tidmore.guy@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>  
**Cc:** Robertson, David <robertson.david@epa.gov>; Lindsey, William <Lindsey.William@epa.gov>  
**Subject:** FW: Status of Documents

FYI. VA ABQ documents. They were sent to David Robertson.

---

**From:** Boyea, Robert P. [mailto:Ex. 6 - Personal Privacy@va.gov]  
**Sent:** Wednesday, February 15, 2017 5:02 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Lindsey, William <Lindsey.William@epa.gov>; Robertson, David <robertson.david@epa.gov>; DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Bruick, Robert W. <Ex. 6 - Personal Privacy@va.gov>; Webster, John K. <Ex. 6 - Personal Privacy@va.gov>  
**Subject:** Status of Documents

Hello,

Attached is a copy of the Albuquerque, New Mexico, Raymond G. Murphy Veterans Affairs Health Care System (NMVAHCS) corrective actions for potential RCRA violations and proposed penalty. If you have questions do not hesitate to call me at below numbers or respond to me via email at Ex. 6 - Personal Privacy@va.gov. Thanks for your patients.

**Bobby Boyea**  
**Safety Manager**  
NMVAHCS, Engineering Service  
1501 San Pedro Blvd. S.E.  
Albuquerque, NM 87108  
Cell Phone: Ex. 6 - Personal Privacy  
Work: Ex. 6 - Personal Privacy  
FAX: 505-256-2893

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]  
**Sent:** Wednesday, February 15, 2017 10:27 AM

**To:** DeGrandi, Michelle  
**Cc:** Boyea, Robert P.; Lindsey, William; Robertson, David  
**Subject:** [EXTERNAL] Status of Documents for VA ABQ/

Dear Michelle,

When will VA ABQ send us the documents we discussed during our February 1 call? David Robertson will be very busy on other matters for the next couple of weeks, so he would very much appreciate getting the documents by 2:00 today, if at all possible, so he can review them now, rather than weeks from now.

Thanks for your help on this.

Stuart

Stuart E. Hunt, Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Hunt, Stuart [Hunt.Stuart@epa.gov]  
**Sent:** 2/15/2017 10:08:41 PM  
**To:** Tidmore, Guy [tidmore.guy@epa.gov]; Freyre, Dominique [Freyre.Dominique@epa.gov]  
**CC:** Robertson, David [robertson.david@epa.gov]; Lindsey, William [Lindsey.William@epa.gov]  
**Subject:** FW: Status of Documents  
**Attachments:** Albuquerque EPA Inspection Resolution (Attached Photos).pdf

FYI. VA ABQ documents. They were sent to David Robertson.

---

**From:** Boyea, Robert P. [mailto:Ex. 6 - Personal Privacy@va.gov]  
**Sent:** Wednesday, February 15, 2017 5:02 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Lindsey, William <Lindsey.William@epa.gov>; Robertson, David <robertson.david@epa.gov>; DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Bruick, Robert W. <Ex. 6 - Personal Privacy@va.gov>; Webster, John K. <Ex. 6 - Personal Privacy@va.gov>  
**Subject:** Status of Documents

Hello,

Attached is a copy of the Albuquerque, New Mexico, Raymond G. Murphy Veterans Affairs Health Care System (NMVAHCS) corrective actions for potential RCRA violations and proposed penalty. If you have questions do not hesitate to call me at below numbers or respond to me via email at Ex. 6 - Personal Privacy@va.gov. Thanks for your patients.

**Bobby Boyea**

**Safety Manager**

NMVAHCS, Engineering Service  
1501 San Pedro Blvd. S.E.  
Albuquerque, NM 87108  
Cell Phone: Ex. 6 - Personal Privacy  
Work: Ex. 6 - Personal Privacy  
FAX: 505-256-2893

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]  
**Sent:** Wednesday, February 15, 2017 10:27 AM  
**To:** DeGrandi, Michelle  
**Cc:** Boyea, Robert P.; Lindsey, William; Robertson, David  
**Subject:** [EXTERNAL] Status of Documents for VA ABQ/

Dear Michelle,

When will VA ABQ send us the documents we discussed during our February 1 call? David Robertson will be very busy on other matters for the next couple of weeks, so he would very much appreciate getting the documents by 2:00 today, if at all possible, so he can review them now, rather than weeks from now.

Thanks for your help on this.

Stuart

Stuart E. Hunt, Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A

1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Meece, Debby A [Ex. 6 - Personal Privacy]@va.gov]  
**Sent:** 6/9/2017 1:29:09 AM  
**To:** Azad, Ava [Azad.Ava@epa.gov]  
**CC:** Scott, Margie [Ex. 6 - Personal Privacy]@va.gov]; DeGrandi, Michelle [Michelle.DeGrandi@va.gov]; Sipes, Gayle [Ex. 6 - Personal Privacy]@va.gov]; Johnson, Joyce-R6 [johnson.joyce-r6@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]; Freyre, Dominique [Freyre.Dominique@epa.gov]  
**Subject:** RE: [EXTERNAL] RE: Central Arkansas Veterans Healthcare System: Potential RCRA violations identified by EPA

Ms. Azande,

## Ex. 5 and Ex. 7(a) - DPP and Enforcement

Thanks,  
Debby

Sent with Good (www.good.com)

-----Original Message-----

**From:** Meece, Debby A  
**Sent:** Thursday, June 08, 2017 05:02 PM Central Standard Time  
**To:** Azad, Ava  
**Cc:** Scott, Margie; DeGrandi, Michelle; Sipes, Gayle; Johnson, Joyce-R6; Tidmore, Guy; Pendleton, Gracie; Potts, Mark; Freyre, Dominique  
**Subject:** RE: [EXTERNAL] RE: Central Arkansas Veterans Healthcare System: Potential RCRA violations identified by EPA

Ms. Azad,

Thank you for your consideration and we gladly accept the terms of this agreement. I will clarify the payment and provide follow up tomorrow.

We appreciate your efforts and collaboration in addressing the violations identified.

Respectfully,

Debby

---

**From:** Azad, Ava [mailto:Azad.Ava@epa.gov]  
**Sent:** Thursday, June 08, 2017 1:54 PM  
**To:** Meece, Debby A [Ex. 6 - Personal Privacy]@va.gov>  
**Cc:** Scott, Margie [Ex. 6 - Personal Privacy]@va.gov>; DeGrandi, Michelle [Michelle.DeGrandi@va.gov]; Sipes, Gayle [Ex. 6 - Personal Privacy]@va.gov>; Johnson, Joyce-R6 [johnson.joyce-r6@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]; Freyre, Dominique [Freyre.Dominique@epa.gov]  
**Subject:** [EXTERNAL] RE: Central Arkansas Veterans Healthcare System: Potential RCRA violations identified by EPA

Dear Ms. Meece,

## Ex. 5 and Ex. 7(a) - DPP and Enforcement

Thank you.

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
P: (202) 564-4473  
F: (202) 501-0069

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---

**From:** Potts, Mark  
**Sent:** Tuesday, May 30, 2017 4:37 PM  
**To:** Meece, Debby A <Ex. 6 - Personal Privacy @va.gov>  
**Cc:** Scott, Margie <Ex. 6 - Personal Privacy @va.gov>; DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Sipes, Gayle <Ex. 6 - Personal Privacy @va.gov>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>  
**Subject:** RE: Central Arkansas Veterans Healthcare System: Potential RCRA violations identified by EPA

Thank you. We will review and get back to you.

---

**From:** Meece, Debby A [mailto:Ex. 6 - Personal Privacy @va.gov]  
**Sent:** Tuesday, May 30, 2017 1:50 PM  
**To:** Potts, Mark <Potts.Mark@epa.gov>  
**Cc:** Meece, Debby A <Ex. 6 - Personal Privacy @va.gov>; Scott, Margie <Ex. 6 - Personal Privacy @va.gov>; DeGrandi, Michelle

<Michelle.DeGrandi@va.gov>; Sipes, Gayle <Ex. 6 - Personal Privacy@va.gov>

**Subject:** Central Arkansas Veterans Healthcare System: Potential RCRA violations identified by EPA

Mr. Potts,

Central Arkansas Veterans Healthcare System appreciates this opportunity to further respond in writing to the potential RCRA violations identified by EPA.

We appreciate your consideration of the attached information and look forward to your response.

Thank you,  
Debby

Debby Meece  
Executive Assistant to the Medical Center Director  
Central Arkansas Veterans Healthcare System  
4300 West 7th Street  
Little Rock, AR 72205

Ex. 6 - Personal Privacy

But What About The Patient

Message

---

**From:** Azad, Ava [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=865AE307511F410E83D0A8570D5DF1DC-AZAD, AVA]  
**Sent:** 1/23/2017 6:03:48 PM  
**To:** Belser, Evan [Belser.Evan@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]  
**CC:** Fried, Gregory [Fried.Gregory@epa.gov]; Garvey, Melanie [Garvey.Melanie@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]  
**Subject:** RE: GSA and DOJ waiver request

Evan, thank you for getting back to us with your thoughts on Region 9's waiver memo and penalty calculations.

Greg, please let us know if you have any concerns with the waiver memo or proposed penalty. Region 9 is poised to continue negotiations with GSA, but we would like to be sure you are comfortable with the memo and penalty before we give them the go-ahead to do so.

Thanks.

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
P: (202) 564-4473  
F: (202) 501-0069

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---

**From:** Belser, Evan  
**Sent:** Wednesday, January 18, 2017 6:24 PM  
**To:** Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Cc:** Fried, Gregory <Fried.Gregory@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** RE: GSA and DOJ waiver request

Thanks Marie. I've reviewed, and have no concerns, however I want to give Greg a chance to review because this is SIP enforcement (albeit concerning mobile sources) and the penalty is pursuant to the stationary policy.

Thanks,  
Evan

Evan Belser  
Chief, Vehicle and Engine Enforcement Branch  
United States Environmental Protection Agency  
202-564-6850

---

**From:** Muller, Marie

**Sent:** Wednesday, January 18, 2017 4:50 PM

**To:** Belser, Evan <Belser.Evan@epa.gov>

**Cc:** Fried, Gregory <Fried.Gregory@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>

**Subject:** GSA and DOJ waiver request

Hi Evan,

## **Ex. 5 and Ex. 7(a) - DPP, AWP, and Enforcement**

As we discussed, this process is akin to past waiver requests for CAA actions against federal facilities, and for which FFEO has taken the lead. FFEO will prepare and transmit the waiver request to DOJ, and copy OCE in order to ensure OCE is aware of the progress in this matter.

Thanks Evan, and as I mentioned, if you have any concerns with the Region's penalty calculation, etc., please let us know. We will also be taking a closer look as well, but our preliminary assessment is that it looks pretty solid.

Thanks again.

Marie

**From:** Leff, Karin [Leff.Karin@epa.gov]  
**Sent:** 6/29/2017 5:21:25 PM  
**To:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**CC:** Dalzell, Sally [Dalzell.Sally@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Azad, Ava [Azad.Ava@epa.gov]  
**Subject:** RE: Potential blurb for Administrator's report

We can't wait. Thanks Mel for seeing this through. Enrique may not talk to me again ☺  
Arevaderchi (sp)

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Garvey, Melanie  
**Sent:** Thursday, June 29, 2017 1:04 PM  
**To:** Leff, Karin <Leff.Karin@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Azad, Ava <Azad.Ava@epa.gov>  
**Subject:** Fw: Potential blurb for Administrator's report

Hi Karin-

## Ex. 5 - Deliberative Process

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Dreyfus, Bethany  
**Sent:** Thursday, June 29, 2017 12:54 PM  
**To:** Garvey, Melanie  
**Cc:** Azad, Ava; Dalzell, Sally; Chesnutt, John  
**Subject:** RE: Potential blurb for Administrator's report

Hi Melanie. I don't think that we are ready to go out with this information yet – we are doing some internal briefing on it today and can let you know more after that. In the meantime, here are some edits to what you provided.

# Ex. 5 - DPP, ACP, and AWP

---

Bethany Dreyfus  
EPA Region IX ORC-3  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972-3886  
(415) 947-3570 (fax)

---

**From:** Garvey, Melanie  
**Sent:** Thursday, June 29, 2017 8:51 AM  
**To:** Dreyfus, Bethany <[Dreyfus.Bethany@epa.gov](mailto:Dreyfus.Bethany@epa.gov)>  
**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** Fw: Potential blurb for Administrator's report

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Miles, Erin  
**Sent:** Thursday, June 29, 2017 11:48 AM  
**To:** Leff, Karin  
**Cc:** Azad, Ava; Garvey, Melanie; Dalzell, Sally  
**Subject:** RE: Potential blurb for Administrator's report

Thanks.

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

---

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 11:26 AM  
**To:** Miles, Erin <[Miles.Erin@epa.gov](mailto:Miles.Erin@epa.gov)>  
**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** Potential blurb for Administrator's report

I contacted the region to see if they are submitting something. I haven't heard back. Here's what I suggest.

# **Ex. 5 - DPP, ACP, and AWP**

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Message

---

**From:** Dreyfus, Bethany [Dreyfus.Bethany@epa.gov]  
**Sent:** 6/29/2017 5:11:46 PM  
**To:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**CC:** Azad, Ava [Azad.Ava@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]; Chesnutt, John [Chesnutt.John@epa.gov]  
**Subject:** RE: Potential blurb for Administrator's report

Thanks, Melanie.

-----  
Bethany Dreyfus  
EPA Region IX ORC-3  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972-3886  
(415) 947-3570 (fax)

-----  
**From:** Garvey, Melanie  
**Sent:** Thursday, June 29, 2017 10:01 AM  
**To:** Dreyfus, Bethany <Dreyfus.Bethany@epa.gov>  
**Cc:** Azad, Ava <Azad.Ava@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Chesnutt, John <Chesnutt.John@epa.gov>  
**Subject:** Re: Potential blurb for Administrator's report

Thank you, Bethany. I will let my OD, Karin, know that you are not ready yet, and share your corrections with her.

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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-----  
**From:** Dreyfus, Bethany  
**Sent:** Thursday, June 29, 2017 12:54 PM  
**To:** Garvey, Melanie  
**Cc:** Azad, Ava; Dalzell, Sally; Chesnutt, John  
**Subject:** RE: Potential blurb for Administrator's report

Hi Melanie. I don't think that we are ready to go out with this information yet – we are doing some internal briefing on it today and can let you know more after that. In the meantime, here are some edits to what you provided.

# Ex. 5 - DPP, ACP, and AWP

Bethany Dreyfus  
EPA Region IX ORC-3  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972-3886  
(415) 947-3570 (fax)

---

**From:** Garvey, Melanie  
**Sent:** Thursday, June 29, 2017 8:51 AM  
**To:** Dreyfus, Bethany <[Dreyfus.Bethany@epa.gov](mailto:Dreyfus.Bethany@epa.gov)>  
**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** Fw: Potential blurb for Administrator's report

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Miles, Erin  
**Sent:** Thursday, June 29, 2017 11:48 AM  
**To:** Leff, Karin  
**Cc:** Azad, Ava; Garvey, Melanie; Dalzell, Sally  
**Subject:** RE: Potential blurb for Administrator's report

Thanks.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

---

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 11:26 AM  
**To:** Miles, Erin <[Miles.Erin@epa.gov](mailto:Miles.Erin@epa.gov)>  
**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** Potential blurb for Administrator's report

I contacted the region to see if they are submitting something. I haven't heard back. Here's what I suggest.

**Ex. 5 - Deliberative Process**

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Thank you.

Message

---

**From:** Leff, Karin [Leff.Karin@epa.gov]  
**Sent:** 6/29/2017 4:01:03 PM  
**To:** Miles, Erin [Miles.Erin@epa.gov]  
**CC:** Azad, Ava [Azad.Ava@epa.gov]; Garvey, Melanie [Garvey.Melanie@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]  
**Subject:** Re: Potential blurb for Administrator's report

**Ex. 5 - Deliberative Process**

Sent from my iPhone

On Jun 29, 2017, at 11:48 AM, Miles, Erin <Miles.Erin@epa.gov> wrote:

Thanks.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

---

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 11:26 AM  
**To:** Miles, Erin <Miles.Erin@epa.gov>  
**Cc:** Azad, Ava <Azad.Ava@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** Potential blurb for Administrator's report

I contacted the region to see if they are submitting something. I haven't heard back. Here's what I suggest.

**Ex. 5 - DPP, ACP, and AWP**

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Message

---

**From:** Miles, Erin [Miles.Erin@epa.gov]  
**Sent:** 6/29/2017 3:56:53 PM  
**To:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**CC:** Leff, Karin [Leff.Karin@epa.gov]; Azad, Ava [Azad.Ava@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]  
**Subject:** Re: Potential blurb for Administrator's report

Perfect, thanks.

Sent from my iPhone

On Jun 29, 2017, at 11:52 AM, Garvey, Melanie <Garvey.Melanie@epa.gov> wrote:

Hi Erin-

I asked the Region 9 attorney who we are working with on the matter to review the paragraph for accuracy and timing-

**Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Miles, Erin  
**Sent:** Thursday, June 29, 2017 11:48 AM  
**To:** Leff, Karin  
**Cc:** Azad, Ava; Garvey, Melanie; Dalzell, Sally  
**Subject:** RE: Potential blurb for Administrator's report

Thanks.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

---

**From:** Leff, Karin

**Sent:** Thursday, June 29, 2017 11:26 AM

**To:** Miles, Erin <[Miles.Erin@epa.gov](mailto:Miles.Erin@epa.gov)>

**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

**Subject:** Potential blurb for Administrator's report

I contacted the region to see if they are submitting something. I haven't heard back. Here's what I suggest.

## **Ex. 5 - DPP, ACP, and AWP**

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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Message

---

**From:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Sent:** 6/21/2017 9:03:55 PM  
**To:** Azad, Ava [Azad.Ava@epa.gov]  
**Subject:** FW: Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement - ENFORCEMENT CONFIDENTIAL

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)



United States Environmental Protection Agency

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---

**From:** Garvey, Melanie  
**Sent:** Monday, May 15, 2017 12:57 PM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Cc:** Doster, Kathleen <Doster.Kathleen@epa.gov>  
**Subject:** Fw: Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement - ENFORCEMENT CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Garvey, Melanie  
**Sent:** Monday, April 11, 2016 5:28 AM  
**To:** Dalzell, Sally; Doster, Kathleen  
**Subject:** Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement - ENFORCEMENT CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

Melanie Garvey

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Dalzell, Sally  
**Sent:** Thursday, April 7, 2016 10:24 AM  
**To:** Doster, Kathleen  
**Cc:** Garvey, Melanie  
**Subject:** RE: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

Sally

Sally M. Dalzell, Acting Director  
Site Remediation and Enforcement Staff  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

FedCenter - Home

[www.fedcenter.gov](http://www.fedcenter.gov)

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-----Original Message-----

From: Doster, Kathleen  
Sent: Thursday, April 07, 2016 10:17 AM  
To: Dalzell, Sally <Dalzell.Sally@epa.gov>  
Cc: Garvey, Melanie <Garvey.Melanie@epa.gov>  
Subject: RE: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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-----Original Message-----

From: Doster, Kathleen  
Sent: Thursday, April 07, 2016 9:02 AM  
To: Dalzell, Sally <Dalzell.Sally@epa.gov>  
Cc: Garvey, Melanie <Garvey.Melanie@epa.gov>  
Subject: FW: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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-----Original Message-----

From: Boyd, Andrew

Sent: Wednesday, April 06, 2016 5:11 PM

To: Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Faulk, Dennis <[Faulk.Dennis@epa.gov](mailto:Faulk.Dennis@epa.gov)>

Cc: Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Williams, Cheryl B. <[Williams.CherylB@epa.gov](mailto:Williams.CherylB@epa.gov)>; Palumbo, Janice <[Palumbo.Jan@epa.gov](mailto:Palumbo.Jan@epa.gov)>

Subject: RE: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

# Ex. 5 - DPP, ACP, and AWP

Andy

Andrew Boyd

U.S. EPA, Region 10

Tel: (206) 553-1222

[boyd.andrew@epa.gov](mailto:boyd.andrew@epa.gov)

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-----Original Message-----

From: Craig, Harry

Sent: Tuesday, March 29, 2016 1:15 PM

To: Faulk, Dennis <[Faulk.Dennis@epa.gov](mailto:Faulk.Dennis@epa.gov)>; Boyd, Andrew <[Boyd.Andrew@epa.gov](mailto:Boyd.Andrew@epa.gov)>

Cc: Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Williams, Cheryl B. <[Williams.CherylB@epa.gov](mailto:Williams.CherylB@epa.gov)>; Palumbo, Janice <[Palumbo.Jan@epa.gov](mailto:Palumbo.Jan@epa.gov)>

Subject: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

Dennis, Andy,

## Ex. 5 - DPP, ACP, and AWP

Harry

-----Original Message-----

From: Martin, Michele M CIV USARMY HQDA ACSIM (US) [<mailto:michele.m.martin12.civ@mail.mil>]

Sent: Tuesday, March 29, 2016 11:20 AM

To: Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>

Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>

Subject: RE: ADA PWS & schedule

Here you go...

Dave had some comments to letter for Tom to sign. I'm trying to get it back out tonight.

Michele Martin

BRAC Office, Umatilla Chemical Depot

78798 Ordnance Road Bldg 32

Hermiston, OR 97838-9544

Phone: 541-564-5325

-----Original Message-----

From: Craig, Harry [<mailto:Craig.Harry@epa.gov>]

Sent: Tuesday, March 29, 2016 10:18 AM

To: Martin, Michele M CIV USARMY HQDA ACSIM (US) <[michele.m.martin12.civ@mail.mil](mailto:michele.m.martin12.civ@mail.mil)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>

Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>

Subject: [Non-DoD Source] RE: ADA PWS & schedule

Michele,

We also need submission dates from the Army on the draft and draft final Remedial Action Completion Reports (RACR).

Harry

-----Original Message-----

From: Martin, Michele M CIV USARMY HQDA ACSIM (US) [<mailto:michele.m.martin12.civ@mail.mil>]

Sent: Monday, March 28, 2016 12:35 PM

To: Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>

Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>

Subject: RE: ADA PWS & schedule

All,

Here's the revised schedule with the work plan dates.

I need to revise the letter, so, no it hasn't gone out, yet.

Michele Martin  
BRAC Office, Umatilla Chemical Depot  
78798 Ordnance Road Bldg 32  
Hermiston, OR 97838-9544  
Phone: 541-564-5325

-----Original Message-----

From: Martin, Michele M CIV USARMY HQDA ACSIM (US)  
Sent: Monday, March 28, 2016 7:33 AM  
To: 'Craig, Harry' <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>  
Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>  
Subject: RE: ADA PWS & schedule

Hi Harry,

Sorry, I was out all last week. I sent the schedule back to Adam to add the draft dates.

Thanks,

Michele Martin  
BRAC Office, Umatilla Chemical Depot  
78798 Ordnance Road Bldg 32  
Hermiston, OR 97838-9544  
Phone: 541-564-5325

-----Original Message-----

From: Craig, Harry [<mailto:Craig.Harry@epa.gov>]  
Sent: Thursday, March 24, 2016 5:43 PM  
To: Martin, Michele M CIV USARMY HQDA ACSIM (US) <[michele.m.martin12.civ@mail.mil](mailto:michele.m.martin12.civ@mail.mil)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>  
Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>  
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Michele,

We need dates in this schedule of when the Army will submit the draft and draft final RD/RA Workplans to EPA and DEQ. Has Tom sent the letter out on this yet?

Harry

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From: Martin, Michele M CIV USARMY HQDA ACSIM (US) [<mailto:michele.m.martin12.civ@mail.mil>]  
Sent: Wednesday, March 09, 2016 10:13 AM  
To: Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>  
Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>  
Subject: ADA PWS & schedule

Hi All,

# Ex. 5 - Deliberative Process

Michele Martin  
BRAC Office, Umatilla Chemical Depot  
78798 Ordnance Road Bldg 32  
Hermiston, OR 97838-9544  
Phone: 541-564-5325

Message

---

**From:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Sent:** 6/21/2017 9:03:38 PM  
**To:** Azad, Ava [Azad.Ava@epa.gov]  
**Subject:** FW: Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement - ENFORCEMENT CONFIDENTIAL

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)



United States Environmental Protection Agency

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---

**From:** Dalzell, Sally  
**Sent:** Monday, May 15, 2017 1:41 PM  
**To:** Leff, Karin <Leff.Karin@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>  
**Cc:** Doster, Kathleen <Doster.Kathleen@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** RE: Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement - ENFORCEMENT CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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---

**From:** Leff, Karin

**Sent:** Monday, May 15, 2017 1:31 PM

**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>

**Cc:** Doster, Kathleen <Doster.Kathleen@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>

**Subject:** RE: Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement - ENFORCEMENT CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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---

**From:** Dalzell, Sally

**Sent:** Monday, May 15, 2017 1:04 PM

**To:** Garvey, Melanie <Garvey.Melanie@epa.gov>

**Cc:** Doster, Kathleen <Doster.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>

**Subject:** RE: Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement - ENFORCEMENT CONFIDENTIAL

Wow, I totally forgot about that exchange.

Thank you, Melanie.

So good to know.

## Ex. 5 - DPP, ACP, and AWP

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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---

**From:** Garvey, Melanie  
**Sent:** Monday, May 15, 2017 12:57 PM  
**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Cc:** Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>  
**Subject:** Fw: Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement - ENFORCEMENT CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Garvey, Melanie  
**Sent:** Monday, April 11, 2016 5:28 AM  
**To:** Dalzell, Sally; Doster, Kathleen  
**Subject:** Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement - ENFORCEMENT CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

Melanie Garvey

Chemical Engineer

EPA/OECA/FFEO  
202-564-2579 (office)

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---

From: Dalzell, Sally  
Sent: Thursday, April 7, 2016 10:24 AM  
To: Doster, Kathleen  
Cc: Garvey, Melanie  
Subject: RE: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

Okay, thanks, Kathleen.

That is really too bad.

**Ex. 5 - DPP, ACP, and AWP**

Sally

Sally M. Dalzell, Acting Director  
Site Remediation and Enforcement Staff  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

FedCenter - Home

[www.fedcenter.gov](http://www.fedcenter.gov)

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-----Original Message-----

From: Doster, Kathleen  
Sent: Thursday, April 07, 2016 10:17 AM  
To: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
Cc: Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>

# Ex. 5 - DPP, ACP, and AWP

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

NOTICE: This communication may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient, or received this communication in error, please delete the copy you received, and do not disseminate, distribute, or otherwise use the information in this communication.

-----Original Message-----

From: Doster, Kathleen  
Sent: Thursday, April 07, 2016 9:02 AM  
To: Dalzell, Sally <Dalzell.Sally@epa.gov>  
Cc: Garvey, Melanie <Garvey.Melanie@epa.gov>  
Subject: FW: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

# Ex. 5 - DPP, ACP, and AWP

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
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-----Original Message-----

From: Boyd, Andrew  
Sent: Wednesday, April 06, 2016 5:11 PM  
To: Craig, Harry <Craig.Harry@epa.gov>; Faulk, Dennis <Faulk.Dennis@epa.gov>

Cc: Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Williams, Cheryl B. <[Williams.CherylB@epa.gov](mailto:Williams.CherylB@epa.gov)>; Palumbo, Janice <[Palumbo.Jan@epa.gov](mailto:Palumbo.Jan@epa.gov)>  
Subject: RE: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

# Ex. 5 - DPP, ACP, and AWP

Andy

Andrew Boyd  
U.S. EPA, Region 10  
Tel: (206) 553-1222  
[boyd.andrew@epa.gov](mailto:boyd.andrew@epa.gov)  
SENSITIVE COMMUNICATION INTENDED ONLY  
FOR USE OF RECIPIENTS NAMED ABOVE

-----Original Message-----

From: Craig, Harry  
Sent: Tuesday, March 29, 2016 1:15 PM  
To: Faulk, Dennis <[Faulk.Dennis@epa.gov](mailto:Faulk.Dennis@epa.gov)>; Boyd, Andrew <[Boyd.Andrew@epa.gov](mailto:Boyd.Andrew@epa.gov)>  
Cc: Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Williams, Cheryl B. <[Williams.CherylB@epa.gov](mailto:Williams.CherylB@epa.gov)>; Palumbo, Janice <[Palumbo.Jan@epa.gov](mailto:Palumbo.Jan@epa.gov)>  
Subject: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

Dennis, Andy,

# Ex. 5 - DPP, ACP, and AWP

Harry

-----Original Message-----

From: Martin, Michele M CIV USARMY HQDA ACSIM (US) [<mailto:michele.m.martin12.civ@mail.mil>]  
Sent: Tuesday, March 29, 2016 11:20 AM  
To: Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>  
Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>  
Subject: RE: ADA PWS & schedule

Here you go...

Dave had some comments to letter for Tom to sign. I'm trying to get it back out tonight.

Michele Martin  
BRAC Office, Umatilla Chemical Depot  
78798 Ordnance Road Bldg 32  
Hermiston, OR 97838-9544  
Phone: 541-564-5325

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Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>  
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Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>  
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BRAC Office, Umatilla Chemical Depot  
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Phone: 541-564-5325

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To: 'Craig, Harry' <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>  
Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>

Subject: RE: ADA PWS & schedule

Hi Harry,

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Thanks,

Michele Martin  
BRAC Office, Umatilla Chemical Depot  
78798 Ordnance Road Bldg 32  
Hermiston, OR 97838-9544  
Phone: 541-564-5325

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From: Craig, Harry [mailto:Craig.Harry@epa.gov]  
Sent: Thursday, March 24, 2016 5:43 PM  
To: Martin, Michele M CIV USARMY HQDA ACSIM (US) <michele.m.martin12.civ@mail.mil>; Boateng, Kwasi <Boateng.Kwasi@epa.gov>; ANDERSON David <ANDERSON.David@deq.state.or.us>; DUSO Dan <DUSO.Dan@deq.state.or.us>  
Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <carolyn.a.jones28.civ@mail.mil>  
Subject: [Non-DoD Source] RE: ADA PWS & schedule

Michele,

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Harry

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Sent: Wednesday, March 09, 2016 10:13 AM  
To: Craig, Harry <Craig.Harry@epa.gov>; Boateng, Kwasi <Boateng.Kwasi@epa.gov>; ANDERSON David <ANDERSON.David@deq.state.or.us>; DUSO Dan <DUSO.Dan@deq.state.or.us>  
Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <carolyn.a.jones28.civ@mail.mil>  
Subject: ADA PWS & schedule

Hi All,

## Ex. 5 - Deliberative Process

Michele Martin  
BRAC Office, Umatilla Chemical Depot  
78798 Ordnance Road Bldg 32  
Hermiston, OR 97838-9544  
Phone: 541-564-5325

Message

---

**From:** Dalzell, Sally [Dalzell.Sally@epa.gov]  
**Sent:** 7/14/2017 4:11:26 PM  
**To:** Simes, Benjamin [Simes.Benjamin@epa.gov]  
**CC:** Azad, Ava [Azad.Ava@epa.gov]; Gervais, Gregory [Gervais.Gregory@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Young, Dianna [Young.Dianna@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Hunt, Stuart [Hunt.Stuart@epa.gov]; Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Subject:** Re: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Hey Ben:

That is a great question.

And, Ava, very clear and well done response.

## Ex. 5 - DPP, ACP, and AWP

We need to understand that better I think.

## Ex. 5 - DPP, ACP, and AWP

But as I say, we need to confirm that.

Sally

Sent from my iPhone

On Jul 14, 2017, at 11:44 AM, Simes, Benjamin <[Simes.Benjamin@epa.gov](mailto:Simes.Benjamin@epa.gov)> wrote:

Ava,

## Ex. 5 - DPP and ACP

Thanks,

Benjamin Simes, CHMM  
US EPA, OLEM  
Federal Facilities Restoration and Reuse Office  
202-564-0527 D  
571-302-6189 C  
202-564-0771 F

---

**From:** Azad, Ava  
**Sent:** Friday, July 14, 2017 9:37 AM  
**To:** Simes, Benjamin <[Simes.Benjamin@epa.gov](mailto:Simes.Benjamin@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Cc:** Gervais, Gregory <[Gervais.Gregory@epa.gov](mailto:Gervais.Gregory@epa.gov)>; Bertrand, Charlotte <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>;  
Young, Dianna <[Young.Dianna@epa.gov](mailto:Young.Dianna@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie  
<[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Hunt, Stuart <[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>; Garvey, Melanie  
<[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>  
**Subject:** RE: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Hi Ben,

Thanks for your review and questions. Here are my responses based on what I've learned from the Region. Sally or others in FFEO who have more historical knowledge of the site may have more to add.

## Ex. 5 - DPP, ACP, and AWP

I hope this helps. Let me know if you have other questions or comments. Thanks.

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office

U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
P: (202) 564-4473  
F: (202) 501-0069

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---

**From:** Simes, Benjamin  
**Sent:** Friday, July 14, 2017 8:42 AM  
**To:** Azad, Ava <Azad.Ava@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Cc:** Gervais, Gregory <Gervais.Gregory@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Young, Dianna <Young.Dianna@epa.gov>  
**Subject:** RE: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Ava and Sally,

Charlotte had me take a look at this, I have a couple of questions that I hope you can answer.

Two things:

1.

2.

**Ex. 5 - DPP, ACP, and AWP**

Thanks,

Benjamin Simes, CHMM  
US EPA, OLEM  
Federal Facilities Restoration and Reuse Office  
202-564-0527 D  
571-302-6189 C  
202-564-0771 F

---

**From:** Bertrand, Charlotte  
**Sent:** Tuesday, July 11, 2017 5:45 PM  
**To:** Simes, Benjamin <Simes.Benjamin@epa.gov>

**Cc:** Gervais, Gregory <Gervais.Gregory@epa.gov>

**Subject:** FW: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Ben – do you have any comments or concerns with this? Thanks, Charlotte

**From:** Azad, Ava

**Sent:** Tuesday, July 11, 2017 5:42 PM

**To:** Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>

**Cc:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Hunt, Stuart <Hunt.Stuart@epa.gov>

**Subject:** RE: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Hi Lewis,

Thank you for the opportunity to review the NOV letter for Moffett. Attached is the letter with some Track Changes from Sally.

Below are additional comments from Stuart. We understand some of these comments may be more detailed than what you are looking for at this time, and may be better to incorporate at the next stage in the process. However, we thought we would share them with you so you can use them now or have them for reference going forward.

Please let us know what you think. Thank you.

**Ex. 5 - DPP, ACP, and AWP**

## Ex. 5 - DPP, ACP, and AWP

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
P: (202) 564-4473  
F: (202) 501-0069

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**From:** Maldonado, Lewis  
**Sent:** Friday, July 07, 2017 6:30 PM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>  
**Cc:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>  
**Subject:** NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Sally and Ava

Ex. 5 - DPP and ACP

## Ex. 5 - DPP and ACP

Could you review the draft letter and let us know if you have any comments? Ex. 5 - DPP, ACP, and AWP

## Ex. 5 - DPP, ACP, and AWP

We'd like to send the letter out by Wednesday or Thursday of next week.

Thanks.

Lewis C. Maldonado  
ORC Hazardous Waste Branch Chief  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street (ORC-3)  
San Francisco, CA 94105  
Phone: (415) 972-3926 Fax: (415) 947-3570

Message

---

**From:** Simes, Benjamin [Simes.Benjamin@epa.gov]  
**Sent:** 7/14/2017 3:44:28 PM  
**To:** Azad, Ava [Azad.Ava@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]  
**CC:** Gervais, Gregory [Gervais.Gregory@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Young, Dianna [Young.Dianna@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Hunt, Stuart [Hunt.Stuart@epa.gov]; Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Subject:** RE: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Ava,

## Ex. 5 - DPP and ACP

Thanks,

Benjamin Simes, CHMM  
US EPA, OLEM  
Federal Facilities Restoration and Reuse Office  
202-564-0527 D  
571-302-6189 C  
202-564-0771 F

---

**From:** Azad, Ava  
**Sent:** Friday, July 14, 2017 9:37 AM  
**To:** Simes, Benjamin <Simes.Benjamin@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Cc:** Gervais, Gregory <Gervais.Gregory@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Young, Dianna <Young.Dianna@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Hunt, Stuart <Hunt.Stuart@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>  
**Subject:** RE: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Hi Ben,

Thanks for your review and questions. Here are my responses based on what I've learned from the Region. Sally or others in FFEO who have more historical knowledge of the site may have more to add.

## Ex. 5 - DPP, ACP, and AWP

# Ex. 5 - DPP, ACP, and AWP

I hope this helps. Let me know if you have other questions or comments. Thanks.

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
P: (202) 564-4473  
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---

**From:** Simes, Benjamin  
**Sent:** Friday, July 14, 2017 8:42 AM  
**To:** Azad, Ava <Azad.Ava@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Cc:** Gervais, Gregory <Gervais.Gregory@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Young, Dianna <Young.Dianna@epa.gov>  
**Subject:** RE: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Ava and Sally,

Charlotte had me take a look at this, I have a couple of questions that I hope you can answer.

Two things:

## Ex. 5 - DPP, ACP, and AWP

Thanks,

Benjamin Simes, CHMM  
US EPA, OLEM

Federal Facilities Restoration and Reuse Office  
202-564-0527 D  
571-302-6189 C  
202-564-0771 F

---

**From:** Bertrand, Charlotte  
**Sent:** Tuesday, July 11, 2017 5:45 PM  
**To:** Simes, Benjamin <[Simes.Benjamin@epa.gov](mailto:Simes.Benjamin@epa.gov)>  
**Cc:** Gervais, Gregory <[Gervais.Gregory@epa.gov](mailto:Gervais.Gregory@epa.gov)>  
**Subject:** FW: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Ben – do you have any comments or concerns with this? Thanks, Charlotte

---

**From:** Azad, Ava  
**Sent:** Tuesday, July 11, 2017 5:42 PM  
**To:** Maldonado, Lewis <[Maldonado.Lewis@epa.gov](mailto:Maldonado.Lewis@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Cc:** Bertrand, Charlotte <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Manzanilla, Enrique <[Manzanilla.Enrique@epa.gov](mailto:Manzanilla.Enrique@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Hunt, Stuart <[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>  
**Subject:** RE: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Hi Lewis,

Thank you for the opportunity to review the NOV letter for Moffett. Attached is the letter with some Track Changes from Sally.

Below are additional comments from Stuart. We understand some of these comments may be more detailed than what you are looking for at this time, and may be better to incorporate at the next stage in the process. However, we thought we would share them with you so you can use them now or have them for reference going forward.

Please let us know what you think. Thank you.

# Ex. 5 - DPP, ACP, and AWP

# Ex. 5 - DPP, ACP, and AWP

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
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**From:** Maldonado, Lewis  
**Sent:** Friday, July 07, 2017 6:30 PM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>  
**Cc:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>  
**Subject:** NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Sally and Ava –

**Ex. 5 - DPP and ACP**

## Ex. 5 - DPP and ACP

Could you review the draft letter and let us know if you have any comments?

**Ex. 5 - DPP, ACP, and AWP**

**Ex. 5 - DPP, ACP, and AWP**

We'd like to send the letter out by Wednesday or Thursday of next week.

Thanks.

Lewis C. Maldonado  
ORC Hazardous Waste Branch Chief  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street (ORC-3)  
San Francisco, CA 94105  
Phone: (415) 972-3926 Fax: (415) 947-3570

Message

---

**From:** Azad, Ava [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=865AE307511F410E83D0A8570D5DF1DC-AZAD, AVA]  
**Sent:** 7/14/2017 1:36:37 PM  
**To:** Simes, Benjamin [Simes.Benjamin@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]  
**CC:** Gervais, Gregory [Gervais.Gregory@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Young, Dianna [Young.Dianna@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Hunt, Stuart [Hunt.Stuart@epa.gov]; Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Subject:** RE: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Hi Ben,

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## Ex. 5 - DPP, ACP, and AWP

I hope this helps. Let me know if you have other questions or comments. Thanks.

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
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**Cc:** Gervais, Gregory <Gervais.Gregory@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Young, Dianna <Young.Dianna@epa.gov>

**Subject:** RE: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

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## Ex. 5 - DPP, ACP, and AWP

Thanks,

Benjamin Simes, CHMM

US EPA, OLEM

Federal Facilities Restoration and Reuse Office

202-564-0527 D

571-302-6189 C

202-564-0771 F

---

**From:** Bertrand, Charlotte

**Sent:** Tuesday, July 11, 2017 5:45 PM

**To:** Simes, Benjamin <[Simes.Benjamin@epa.gov](mailto:Simes.Benjamin@epa.gov)>

**Cc:** Gervais, Gregory <[Gervais.Gregory@epa.gov](mailto:Gervais.Gregory@epa.gov)>

**Subject:** FW: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

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---

**From:** Azad, Ava

**Sent:** Tuesday, July 11, 2017 5:42 PM

**To:** Maldonado, Lewis <[Maldonado.Lewis@epa.gov](mailto:Maldonado.Lewis@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

**Cc:** Bertrand, Charlotte <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Manzanilla, Enrique <[Manzanilla.Enrique@epa.gov](mailto:Manzanilla.Enrique@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Hunt, Stuart <[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>

**Subject:** RE: NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

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## **Ex. 5 - DPP, ACP, and AWP**

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
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**From:** Maldonado, Lewis

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**Cc:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>

**Subject:** NAS Moffett Field / Failure to Maintain and Operate Site 28 Groundwater Remedy

Sally and Ava

**Ex. 5 - DPP and ACP**

## **Ex. 5 - DPP and ACP**

Could you review the draft letter and let us know if you have any comments?

**Ex. 5 - DPP, ACP, and AWP**

**Ex. 5 - DPP, ACP, and AWP**

We'd like to send the letter out by Wednesday or Thursday of next week.

Thanks.

Lewis C. Maldonado  
ORC Hazardous Waste Branch Chief  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street (ORC-3)  
San Francisco, CA 94105  
Phone: (415) 972-3926 Fax: (415) 947-3570

Message

---

**From:** Azad, Ava [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=865AE307511F410E83D0A8570D5DF1DC-AZAD, AVA]  
**Sent:** 7/27/2017 8:16:07 PM  
**To:** Garvey, Melanie [Garvey.Melanie@epa.gov]; King, Carol [King.Carol@epa.gov]; Freyre, Dominique [freyre.dominique@epa.gov]  
**CC:** Leff, Karin [Leff.Karin@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Speir, Jeffrey [speir.jeffrey@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]  
**Subject:** RE: Emailing - FF SDWA penalty authority.pdf from Sally D.

Thanks for explaining, Carol. Yes, we can definitely discuss further.

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
P: (202) 564-4473  
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---

**From:** Garvey, Melanie  
**Sent:** Thursday, July 27, 2017 3:26 PM  
**To:** King, Carol <King.Carol@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>  
**Cc:** Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>  
**Subject:** Re: Emailing - FF SDWA penalty authority.pdf from Sally D.

We should discuss further. **Ex. 5 and Ex. 7(e) - DPP, ACP, AWP, and Procedures**

**Ex. 5 and Ex. 7(e) - DPP, ACP, AWP, and Procedures**

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

---

**From:** King, Carol  
**Sent:** Thursday, July 27, 2017 3:18 PM  
**To:** Freyre, Dominique; Azad, Ava  
**Cc:** Garvey, Melanie; Leff, Karin; Muller, Marie; Speir, Jeffrey; Theis, Joseph; Denton, Loren  
**Subject:** RE: Emailing - FF SDWA penalty authority.pdf from Sally D.

Thanks for sending the 1998 Steve Herman memo. I'm not familiar with it, but will review.

Ex. 5 and Ex. 7(e) - DPP, ACP, AWP, and Procedures

## Ex. 5 and Ex. 7(e) - DPP, ACP, AWP, and Procedures

Thanks,  
Carol

---

**From:** Freyre, Dominique  
**Sent:** Thursday, July 27, 2017 3:04 PM  
**To:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; King, Carol <[King.Carol@epa.gov](mailto:King.Carol@epa.gov)>  
**Cc:** Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>  
**Subject:** Emailing - FF SDWA penalty authority.pdf from Sally D.

Message

**From:** Cooke, Maryt [Cooke.Maryt@epa.gov]  
**Sent:** 3/14/2017 6:51:30 PM  
**To:** Dalzell, Sally [Dalzell.Sally@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]  
**CC:** Leff, Karin [Leff.Karin@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Burchette, John [Burchette.John@epa.gov]; Azad, Ava [Azad.Ava@epa.gov]; Gervais, Gregory [Gervais.Gregory@epa.gov]  
**Subject:** RE: Region 3 and Willow Grove/ANG

Thank you, Sally. This is great information. I forgot about Meade

**From:** Dalzell, Sally  
**Sent:** Tuesday, March 14, 2017 2:44 PM  
**To:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>  
**Cc:** Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Cooke, Maryt <Cooke.Maryt@epa.gov>; Burchette, John <Burchette.John@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>  
**Subject:** RE: Region 3 and Willow Grove/ANG

Thank you, Charlotte.

**Ex. 5 - DPP, ACP, and AWP**

# Ex. 5 - DPP, ACP, and AWP

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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**From:** Bertrand, Charlotte  
**Sent:** Tuesday, March 14, 2017 1:54 PM  
**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Cc:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Cooke, Maryt <[Cooke.Maryt@epa.gov](mailto:Cooke.Maryt@epa.gov)>; Burchette, John <[Burchette.John@epa.gov](mailto:Burchette.John@epa.gov)>; Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Gervais, Gregory <[Gervais.Gregory@epa.gov](mailto:Gervais.Gregory@epa.gov)>  
**Subject:** RE: Region 3 and Willow Grove/ANG

Sally - Thanks for the message. R3 is getting me information so I can make phone calls to try to resolve the issue –  

Ex. 5 - DPP and ACP

 Will keep you all posted on progress. Charlotte

**From:** Dalzell, Sally  
**Sent:** Tuesday, March 14, 2017 1:45 PM  
**To:** Bertrand, Charlotte <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>  
**Cc:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Cooke, Maryt <[Cooke.Maryt@epa.gov](mailto:Cooke.Maryt@epa.gov)>; Burchette, John <[Burchette.John@epa.gov](mailto:Burchette.John@epa.gov)>; Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>  
**Subject:** Region 3 and Willow Grove/ANG

Hi, Charlotte:

# Ex. 5 - DPP, ACP, and AWP

FFEO stands ready to help anyway we can.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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Message

---

**From:** Azad, Ava [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=865AE307511F410E83D0A8570D5DF1DC-AZAD, AVA]  
**Sent:** 4/5/2017 9:10:01 PM  
**To:** Scott, Margie [Ex. 6 - Personal Privacy]@va.gov]; DeGrandi, Michelle [Michelle.DeGrandi@va.gov]  
**CC:** Johnson, Joyce-R6 [johnson.joyce-r6@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Freyre, Dominique [freyre.dominique@epa.gov]; Green, Brian C. [Ex. 6 - Personal Privacy]@va.gov]; Meece, Debby A [Ex. 6 - Personal Privacy]@va.gov]; Furr, Amanda L [Ex. 6 - Personal Privacy]@va.gov]; Ekeh, Cyril O. [Ex. 6 - Personal Privacy]@va.gov]  
**Subject:** RE: VA Little Rock - Draft CAFO and Next Steps - Settlement Confidential Communication

Dr. Scott,

Thank you for keeping us apprised of where you are in your review of the CAFO.

In an effort to resolve this matter as expeditiously as possible, please send us your comments or questions, or, if none, a signed copy of the CAFO by April 24, 2017.

Thank you. We look forward to hearing from you.

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
P: (202) 564-4473  
F: (202) 501-0069

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---

**From:** Scott, Margie [mailto:MARGIE.SCOTT@va.gov]  
**Sent:** Friday, March 31, 2017 5:13 PM  
**To:** Azad, Ava <Azad.Ava@epa.gov>; DeGrandi, Michelle <Michelle.DeGrandi@va.gov>  
**Cc:** Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Green, Brian C. [Ex. 6 - Personal Privacy]@va.gov]; Meece, Debby A [Ex. 6 - Personal Privacy]@va.gov]; Furr, Amanda L [Ex. 6 - Personal Privacy]@va.gov]; Ekeh, Cyril O. [Ex. 6 - Personal Privacy]@va.gov  
**Subject:** RE: VA Little Rock - Draft CAFO and Next Steps - Settlement Confidential Communication

We have received the document and are reviewing with our VA Attorney. We will get back to you as soon as possible. At this point, I do not have any questions, but the entire group has not yet completed reviews. Thank you for your patience. Dr. Scott

---

**From:** Azad, Ava [mailto:Azad.Ava@epa.gov]  
**Sent:** Thursday, March 23, 2017 4:50 PM

To: Scott, Margie <Ex. 6 - Personal Privacy@va.gov>; DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Green, Brian C.

<Ex. 6 - Personal Privacy@va.gov>

Cc: Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>

Subject: [EXTERNAL] VA Little Rock - Draft CAFO and Next Steps - Settlement Confidential Communication

SETTLEMENT CONFIDENTIAL COMMUNICATION—FOR SETTLEMENT PURPOSES ONLY

Dear Dr. Scott, Ms. DeGrandi, and Mr. Green,

## Ex. 5 and Ex. 7(a) - DPP and Enforcement

Gracie, Joyce, and I look forward to working with you to successfully resolve this matter.

Sincerely,  
Ava Azad

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
P: (202) 564-4473  
F: (202) 501-0069

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Message

---

**From:** Dalzell, Sally [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E29F0DA5E0FC481FA287A2E5503F8D97-SDALZELL]  
**Sent:** 6/14/2017 4:19:29 PM  
**To:** Folkemer, Nathaniel [Folkemer.Nathaniel@epa.gov]  
**CC:** Leff, Karin [Leff.Karin@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Nate:

Please see below.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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---

**From:** Folkemer, Nathaniel  
**Sent:** Wednesday, June 14, 2017 11:55 AM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Cc:** Leff, Karin <Leff.Karin@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Sally,

I took a shot at reworking the first part (in blue) of the response to this question about Longhorn? Ex. 5 - Deliberative Process

**Ex. 5 - Deliberative Process**

Nate

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

**From:** Dalzell, Sally  
**Sent:** Wednesday, June 14, 2017 9:51 AM  
**To:** Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>  
**Cc:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>; Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Hi, Nate:

# Ex. 5 - Deliberative Process

Sally

OECA's Draft Response:

# Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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---

**From:** Folkemer, Nathaniel  
**Sent:** Wednesday, June 14, 2017 9:20 AM  
**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Cc:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>  
**Subject:** FW: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC  
**Importance:** High

Sally,  
Larry is asking for two additions to the proposed responses, see his email below.  
I need to send OCIR the final responses by noon today so let me know as soon as you have a revised response.  
Thanks,  
Nate

---

**From:** Starfield, Lawrence  
**Sent:** Wednesday, June 14, 2017 9:12 AM  
**To:** Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>  
**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC  
**Importance:** High

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Thanks.

Larry

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**From:** Folkemer, Nathaniel

**Sent:** Tuesday, June 13, 2017 5:03 PM

**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>

**Subject:** Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Larry,

# Ex. 5 - Deliberative Process

Nate

## OECA's Draft Response:

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

---

**From:** Janifer, Pamela

**Sent:** Friday, June 09, 2017 11:02 AM

**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Mills, Derek <[Mills.Derek@epa.gov](mailto:Mills.Derek@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>

**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

- Q: Are these ongoing payments or is this like a onetime payment?  
Q: How close are these to meeting the obligations under the settlement?  
Q: Provide any general background about cleanup of the site.

#### Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**



Pamela Janifer  
U.S. Environmental Protection Agency  
Office of Congressional Affairs  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
202.564.6969  
[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

Message

---

**Sent:** 6/14/2017 1:32:39 PM  
**To:** Folkemer, Nathaniel [Folkemer.Nathaniel@epa.gov]  
**CC:** Leff, Karin [Leff.Karin@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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---

**From:** Folkemer, Nathaniel  
**Sent:** Wednesday, June 14, 2017 9:20 AM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Cc:** Leff, Karin <Leff.Karin@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
**Subject:** FW: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC  
**Importance:** High

Sally,  
Larry is asking for two additions to the proposed responses, see his email below.  
I need to send OCIR the final responses by noon today so let me know as soon as you have a revised response.  
Thanks,  
Nate

---

**From:** Starfield, Lawrence  
**Sent:** Wednesday, June 14, 2017 9:12 AM  
**To:** Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>  
**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC  
**Importance:** High

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Larry

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---

**From:** Folkemer, Nathaniel

**Sent:** Tuesday, June 13, 2017 5:03 PM

**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>

**Subject:** Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Larry,

# Ex. 5 - Deliberative Process

OCIR is asking for our final response by NOON Tomorrow, Wednesday June 14<sup>th</sup>.  
Nate

OECA's Draft Response:

# Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

**From:** Janifer, Pamela

**Sent:** Friday, June 09, 2017 11:02 AM

**To:** Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>

**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>

**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

Q: How close are these to meeting the obligations under the settlement?

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65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon

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**Can you turn this around by Tuesday? Thanks**



Pamela Janifer  
U.S. Environmental Protection Agency  
Office of Congressional Affairs  
1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460  
202.564.6969  
[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

Message

---

**Sent:** 6/13/2017 5:55:14 PM  
**To:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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---

**From:** Folkemer, Nathaniel  
**Sent:** Tuesday, June 13, 2017 12:27 PM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Thanks Sally,

**Ex. 5 - Deliberative Process**

Nate

---

**From:** Dalzell, Sally  
**Sent:** Tuesday, June 13, 2017 12:22 PM  
**To:** Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Ingram, Amir <Ingram.Amir@epa.gov>  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

**Ex. 5 - Deliberative Process**

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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---

**From:** Folkemer, Nathaniel

**Sent:** Tuesday, June 13, 2017 10:46 AM

**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>

**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Thanks Sally,

## Ex. 5 - Deliberative Process

Nate

---

**From:** Dalzell, Sally

**Sent:** Tuesday, June 13, 2017 10:05 AM

**To:** Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>

**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Revised Longhorn paragraph. Please see below.

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
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---

**From:** Dalzell, Sally  
**Sent:** Monday, June 12, 2017 4:53 PM  
**To:** Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>  
**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Nate:

As requested, we have prepared responses to the questions from the T&I Staff on the stipulated penalties assessed at Longhorn Army Ammo Plant (TX) and Umatilla Army Depot in Oregon.

We developed the below responses with the affected Region.

Please let us know, if you need anything further.

Thanks to Melanie Garvey for helping with Umatilla.

Sally Dalzell

---

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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---

**From:** Folkemer, Nathaniel

**Sent:** Friday, June 09, 2017 11:15 AM

**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>

Cc: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Ingram, Amir <Ingram.Amir@epa.gov>

Subject: Response due noon Tue. 6/13: Superfund Penalties for HASC

FFEO,

## Ex. 5 - Deliberative Process

Nate

---

**From:** Janifer, Pamela

**Sent:** Friday, June 09, 2017 11:02 AM

**To:** Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>

**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>

**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

Q: How close are these to meeting the obligations under the settlement?

Q: Provide any general background about cleanup of the site.

### Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**



Pamela Janifer

U.S. Environmental Protection Agency  
Office of Congressional Affairs  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
202.564.6969  
[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

## Appointment

---

**From:** Laija, Emerald [Laija.Emerald@epa.gov]  
**Sent:** 7/5/2017 8:28:10 PM  
**To:** Laija, Emerald [Laija.Emerald@epa.gov]; McEaddy, Monica [McEaddy.Monica@epa.gov]; Doster, Kathleen [Doster.Kathleen@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]; Treimel, Ellen [Treimel.Ellen@epa.gov]  
**CC:** Muller, Marie [MULLER.MARIE@EPA.GOV]

**Subject:** Discuss GAO DOE Compliance Responses

**Attachments:** GAO 102069 Responses - DOE Compliance Agreements\_ffeo commentsDRAFT.docx

**Location:** **Ex. 6 - Personal Privacy**

**Start:** 7/6/2017 1:00:00 PM

**End:** 7/6/2017 1:30:00 PM

**Show Time As:** Tentative

Call to discuss edits on responses to the GAO DOE Compliance topics.

FFEO Comments attached.

**To:** Muller, Marie[MULLER.MARIE@EPA.GOV]; Dalzell, Sally[Dalzell.Sally@epa.gov]  
**From:** Leff, Karin  
**Sent:** Mon 5/22/2017 2:16:46 PM  
**Subject:** FW: [Non-DoD Source] Cutler Press Release and follow up from our meeting last week (UNCLASSIFIED)

I'd like to discuss with you guys this afternoon. Can we meet at 1:30 instead of our normal 2:00.  
Thanks.

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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-----Original Message-----

From: Sullivan, Maureen SES OSD OUSD ATL (US) [mailto:maureen.sullivan18.civ@mail.mil]  
Sent: Friday, May 19, 2017 3:39 PM  
To: Leff, Karin <Leff.Karin@epa.gov>  
Cc: Bowers, Terry L CIV OSD OUSD ATL (US) <terry.l.bowers14.civ@mail.mil>  
Subject: RE: [Non-DoD Source] Cutler Press Release and follow up from our meeting last week (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Thanks Karin. Appreciate you sharing the Press Release. It has caused quite a discussion over here.

## Ex. 5 - Deliberative Process

Have a good weekend.

Maureen Sullivan  
DASD(ESOH)  
(703)695-7957  
Blackberry Cell (703)509-2089  
Maureen.sullivan18.civ@mail.mil

\*\*\*\*\*NEW\*\*\*\*\*

Nicha Jumsil  
Executive Assistant  
Pentagon, Room 5C646  
(703)571-0071  
nicha.jumsil.ctr@mail.mil

-----Original Message-----

From: Leff, Karin [mailto:Leff.Karin@epa.gov]

Sent: Friday, May 19, 2017 3:17 PM  
To: Sullivan, Maureen SES OSD OUSD ATL (US) <maureen.sullivan18.civ@mail.mil>  
Subject: [Non-DoD Source] Cutler Press Release and follow up from our meeting last week

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

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Maureen, below please see the press release that was issued on the Cutler settlement.

## **Ex. 5 - Deliberative Process**

On a related note, I would like to continue our discussion regarding FedCenter, which currently is how we do our compliance outreach. I'm happy to give you any information you need to check on the usefulness of the Center to your folks.

As far as scheduling, send the invite to me and Catherine Lucas (lucas.catherine@epa.gov). Many thanks. Karin

U.S. Environmental Protection Agency  
New England Regional Office  
May 17, 2017

Contact: David Deegan, (617) 918-1017

U.S. Navy Facility in Cutler, Maine Has Taken Steps to Reduce Emissions under Agreement

BOSTON - The U.S. Navy has taken steps to reduce emissions of hazardous air pollutants from its stationary diesel generators under an agreement signed recently with the U.S. Environmental Protection Agency.

The agreement relates to the Navy's operation of large diesel powered engines used to generate electricity at the Naval Computer and Telecommunications Area Master Station, Atlantic Detachment, located in Cutler, Maine. The power needed to transmit messages and to de-ice the antennas is supplied by four 4,066 horsepower engines with the capability to generate 3,000 kW of electricity each, and one 906 horsepower engine that has the capability to generate 750 kW of electricity. All five of these engines are subject to the National Emission Standards for Hazardous Air Pollutants for stationary reciprocating internal combustion engines.

To achieve compliance with the federal Clean Air Act requirements for the Navy's large engines, the Navy has installed pollution control equipment on all five of the engines and has completed initial performance tests to demonstrate that the engines meet the national emissions standards. The Navy also submitted

the required notifications and compliance status reports to EPA. Under the agreement, the Navy will also pay a penalty of \$811,000 for its violations of the Clean Air Act.

By retrofitting its stationary diesel engines, the Navy is helping reduce hazardous air pollutants such as formaldehyde. Exposure to air toxics may produce a wide variety of health difficulties. Compliance with emission standards also helps reduce emissions of carbon monoxide, nitrogen oxides, volatile organic compounds, and particulate matter. The health effects of these pollutants include a range of respiratory issues, especially asthma among children and seniors.

More information:

- EPA continues to work closely with its federal partners to improve compliance at federally owned and operated facilities and to address instances of non-compliance. EPA is in the process of developing a webinar to further educate the regulated community about the requirements that apply to reciprocating internal combustion engines. More information on the webinar will be announced on FedCenter (Caution-<https://www.fedcenter.gov/> < Caution-<https://www.fedcenter.gov/> > ) later this summer.

- EPA's website on stationary sources of air pollution contains additional resources about this and other important issues for federal facilities and the regulated community (Caution-<https://www.epa.gov/stationary-engines> < Caution-<https://www.epa.gov/stationary-engines> > ).

- EPA Clean Air Act enforcement:Caution-<https://www.epa.gov/enforcement/air-enforcement> < Caution-<https://www.epa.gov/enforcement/air-enforcement> >

# # #

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---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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CLASSIFICATION: UNCLASSIFIED

**To:** Leff, Karin[Leff.Karin@epa.gov]  
**Cc:** Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Dalzell, Sally[Dalzell.Sally@epa.gov]  
**From:** Senn, John  
**Sent:** Wed 5/10/2017 8:46:51 PM  
**Subject:** RE: Opportunity to expand on Reg 1 Press release

Hi Karin—thanks for flagging this for me...it does sound like a good opportunity. Are you guys able to meet tomorrow? I'm pretty free any time after noon.

**From:** Leff, Karin  
**Sent:** Wednesday, May 10, 2017 3:04 PM  
**To:** Senn, John <Senn.John@epa.gov>  
**Cc:** Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** Opportunity to expand on Reg 1 Press release

**Ex. 7(e); Ex. 5 - DPP**

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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**To:** Lapachin, Jyl[Lapachin.Jyl@epa.gov]  
**Cc:** Hunt, Stuart[Hunt.Stuart@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]  
**From:** McEaddy, Monica  
**Sent:** Thur 4/27/2017 12:37:17 PM  
**Subject:** Re: Longhorn Stipulated Admin Proposal FW: OMB Request for EPA Review: April 27 deadline- Draft Bill on National Defense Authorization Act for FY 2018

Thanks Jyl and I have no comments.  
Monica

On Apr 27, 2017, at 8:33 AM, Lapachin, Jyl <Lapachin.Jyl@epa.gov> wrote:

The Federal Facility Agreement (FFA) for the Umatilla Chemical Depot provides that any stipulated penalty assessed by the EPA may only be paid after specific authorization by law. In addition, 10 U.S.C. 2703(f) specifically requires such authorization by law.

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

**To:** Studlien, Susan[Studlien.Susan@epa.gov]  
**Cc:** Kilborn, John[Kilborn.John@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]  
**From:** Leff, Karin  
**Sent:** Wed 3/22/2017 8:01:29 PM  
**Subject:** Re: EPA Proposal: Cutler - Interest Penalty Provision

Great. Let's keep everything moving as is.....

Sent from my iPhone

On Mar 22, 2017, at 3:42 PM, Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)> wrote:

Karin I concur in John's assessment, including the likely more portion. Let me know if you or Dave need anything additional from us.

Thanks.

Sent from my iPhone

On Mar 22, 2017, at 2:35 PM, Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)> wrote:

Karin:

The first step is for the Navy to sign. Without talking to the Navy attorney I bet the Navy's signature will take at least a week, maybe more.

John

*John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3)  
Boston, MA 02109-3912*

*Tel: 617-918-1893*

*E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)*

**From:** Leff, Karin  
**Sent:** Wednesday, March 22, 2017 2:21 PM  
**To:** Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>  
**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>  
**Subject:** Fwd: EPA Proposal: Cutler - Interest Penalty Provision

So Dave cozad is talking to Justin about Cutler to give him heads up about settlement without a briefing. I don't know how quickly the signatures are moving. I don't think there should be a problem getting Justin's ok but I don't know. What do you think the time frame for signature is?

Sent from my iPhone

Begin forwarded message:

**From:** "Kilborn, John" <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>  
**Date:** March 22, 2017 at 11:47:39 AM EDT  
**To:** "Yacono, Dominick G CIV CNRMA, N00L" <[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)>, "Dalzell, Sally" <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Cc:** "Doster, Kathleen" <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>, "Dixon, Chelsea" <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>, "Muller, Marie" <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>, "Studlien, Susan" <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>, "Klena, Jude T CIV NAVIFOR, N03OGC" <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>, "Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel" <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>, "Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine" <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>, "Leff, Karin" <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>, "McFarlane, Waina J CIV NAVSEA, SEA 00L" <[waina.j.mcfarlane@navy.mil](mailto:waina.j.mcfarlane@navy.mil)>, "Sansevero, Christine" <[Sansevero.Christine@epa.gov](mailto:Sansevero.Christine@epa.gov)>, "Calder, Steven" <[Calder.Steve@epa.gov](mailto:Calder.Steve@epa.gov)>  
**Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision**

Dominick:

Based upon the draft CAFO that Sally Dalzell sent you on March 13, attached is a PDF of the cleaned-up, final version of the CAFO that is ready for signature. As you may know, the way this typically works is that the Respondent, in this case the Navy, signs the CAFO; the Region will then sign the CAFO; and then I will submit the fully executed CAFO to the Regional Judicial Officer for her approval. The CAFO only becomes effective after the all parties have signed, the Regional

Judicial Office has approved and signed, and the fully executed CAFO is filed with the Regional Hearing Clerk. After you submit the Navy's signature, I will let you know the status of this process.

We appreciate your cooperation and the Navy's work and cooperation in installing the emission controls and coming into compliance with the RICE rule.

If you have any questions, please do not hesitate to contact me.

John Kilborn

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L

[mailto:[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)]

Sent: Tuesday, March 21, 2017 11:11 AM

To: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Kilborn, John

<[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>

Cc: Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea

<[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>;

Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena, Jude T CIV NAVIFOR,

N03OGC <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV NAVFAC

MIDLANT, Counsel <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC

MIDLANT, PWD Maine <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>; Leff, Karin

<[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; McFarlane, Waina J CIV NAVSEA, SEA 00L

<[waina.j.mcfarlane@navy.mil](mailto:waina.j.mcfarlane@navy.mil)>

Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

If John can provide me with a cleaned-up version of the CAFO sometime this week, I'll start the administrative routing of the CAFO to obtain the signature of the responsible Navy official.

r/ Dominick

Dominick Yacono

Associate Counsel

Navy Region Mid-Atlantic, Office of the General Counsel

1550 Gilbert St., Bldg. N-21, Ste. 204

Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [<mailto:Dalzell.Sally@epa.gov>]  
Sent: Monday, March 13, 2017 5:49 PM  
To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10.

## **Ex. 5 - Deliberative Process**

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection  
Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004

(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L  
[mailto:[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)]  
Sent: Friday, March 10, 2017 11:29 AM  
To: Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>  
Cc: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Doster, Kathleen  
<[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>;  
Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan  
<[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena, Jude T CIV NAVIFOR, N03OGC  
<[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV NAVFAC MIDLANT,  
Counsel <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC MIDLANT,  
PWD Maine <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>  
Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]  
Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed. (I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Kilborn, John[Kilborn.John@epa.gov]  
**Cc:** Leff, Karin[Leff.Karin@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]  
**From:** Studlien, Susan  
**Sent:** Wed 3/22/2017 7:42:46 PM  
**Subject:** Re: EPA Proposal: Cutler - Interest Penalty Provision

Karin I concur in John's assessment, including the likely more portion. Let me know if you or Dave need anything additional from us.

Thanks.

Sent from my iPhone

On Mar 22, 2017, at 2:35 PM, Kilborn, John <Kilborn.John@epa.gov> wrote:

Karin:

The first step is for the Navy to sign. Without talking to the Navy attorney I bet the Navy's signature will take at least a week, maybe more.

John

*John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3)  
Boston, MA 02109-3912*

*Tel: 617-918-1893*

*E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)*

**From:** Leff, Karin  
**Sent:** Wednesday, March 22, 2017 2:21 PM  
**To:** Studlien, Susan <Studlien.Susan@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Kilborn, John <Kilborn.John@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>

**Subject:** Fwd: EPA Proposal: Cutler - Interest Penalty Provision

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Sent from my iPhone

Begin forwarded message:

**From:** "Kilborn, John" <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>  
**Date:** March 22, 2017 at 11:47:39 AM EDT  
**To:** "Yacono, Dominick G CIV CNRMA, N00L" <[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)>, "Dalzell, Sally" <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
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**Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision**

Dominick:

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If you have any questions, please do not hesitate to contact me.

John Kilborn

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[mailto:dominick.yacono@navy.mil]

Sent: Tuesday, March 21, 2017 11:11 AM

To: Dalzell, Sally <Dalzell.Sally@epa.gov>; Kilborn, John <Kilborn.John@epa.gov>

Cc: Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea

<Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>;

Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC

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<lisa.joy@navy.mil>; Leff, Karin <Leff.Karin@epa.gov>; McFarlane, Waina J CIV

NAVSEA, SEA 00L <waina.j.mcfarlane@navy.mil>

Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

If John can provide me with a cleaned-up version of the CAFO sometime this week, I'll start the administrative routing of the CAFO to obtain the signature of the responsible Navy official.

r/ Dominick

Dominick Yacono

Associate Counsel

Navy Region Mid-Atlantic, Office of the General Counsel

1550 Gilbert St., Bldg. N-21, Ste. 204

Norfolk, VA 23511

Phone: 757-444-1395

Fax: 757-444-5543

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Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T

CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel;

Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin

Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10.

## **Ex. 5 - Deliberative Process**

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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message in error, please notify the sender immediately by email and delete all copies  
of the message.

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Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

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Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

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Thanks, John

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**Sent:** Wed 3/22/2017 6:35:36 PM  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision

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Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
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Washington, D.C. 20004  
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(202) 501-0069 (fax)  
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CUTLER CAFO FINAL 2017 03 22.pdf  
ATT00001.htm

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Washington, D.C. 20004  
(202)564-2583  
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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [<mailto:dominick.yacono@navy.mil>]

Sent: Friday, March 10, 2017 11:29 AM  
To: Kilborn, John <Kilborn.John@epa.gov>  
Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>  
Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

## Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395

Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]

Sent: Monday, March 06, 2017 10:00 AM

To: Yacono, Dominick G CIV CNRMA, N00L

Cc: Dalzell, Sally

Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed.  
(I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn

Senior Enforcement Counsel

U.S. Environmental Protection Agency

Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893

Fax: 617-918-0893

E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]  
**From:** Kilborn, John  
**Sent:** Wed 3/22/2017 5:17:19 PM  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision

Thanks!

*John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3)  
Boston, MA 02109-3912*

*Tel: 617-918-1893*

*E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)*

**From:** Dalzell, Sally  
**Sent:** Wednesday, March 22, 2017 12:14 PM  
**To:** Kilborn, John <Kilborn.John@epa.gov>  
**Subject:** Re: EPA Proposal: Cutler - Interest Penalty Provision

Nice clear note, John.

Sent from my iPhone

On Mar 22, 2017, at 11:47 AM, Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)> wrote:

Dominick:

Based upon the draft CAFO that Sally Dalzell sent you on March 13, attached is a PDF of the cleaned-up, final version of the CAFO that is ready for signature. As you may know, the way this typically works is that the Respondent, in this case the Navy, signs the CAFO; the Region will then sign the CAFO; and then I will submit the fully executed CAFO to the Regional Judicial Officer for her approval. The CAFO only becomes effective after the all parties have signed, the Regional Judicial Office has approved and signed, and the fully executed CAFO is filed with the Regional Hearing Clerk. After you submit the Navy's signature, I will let you know the status of this process.

We appreciate your cooperation and the Navy's work and cooperation in installing the

emission controls and coming into compliance with the RICE rule.

If you have any questions, please do not hesitate to contact me.

John Kilborn

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Sent: Tuesday, March 21, 2017 11:11 AM  
To: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>  
Cc: Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena, Jude T CIV NAVIFOR, N03OGC <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; McFarlane, Waina J CIV NAVSEA, SEA 00L <[waina.j.mcfarlane@navy.mil](mailto:waina.j.mcfarlane@navy.mil)>  
Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

If John can provide me with a cleaned-up version of the CAFO sometime this week, I'll start the administrative routing of the CAFO to obtain the signature of the responsible Navy official.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [<mailto:Dalzell.Sally@epa.gov>]  
Sent: Monday, March 13, 2017 5:49 PM  
To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV

NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa  
M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the  
Cutler CAFO on Friday, March 10.

## **Ex. 5 - Deliberative Process**

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
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Sent: Friday, March 10, 2017 11:29 AM

To: Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>

Cc: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Doster, Kathleen

<[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie

<[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena,

Jude T CIV NAVIFOR, N03OGC <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV

NAVFAC MIDLANT, Counsel <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC

MIDLANT, PWD Maine <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>

Subject: RE: Cutler - Interest Penalty Provision

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## Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono

Associate Counsel

Navy Region Mid-Atlantic, Office of the General Counsel

1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

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Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

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Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

<CUTLER CAFO FINAL 2017 03 22.pdf>

**To:** Yacono, Dominick G CIV CNRMA, N00L[dominick.yacono@navy.mil]; Dalzell, Sally[Dalzell.Sally@epa.gov]  
**Cc:** Doster, Kathleen[Doster.Kathleen@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Studlien, Susan[Studlien.Susan@epa.gov]; Klena, Jude T CIV NAVIFOR, N03OGC[jude.klena@navy.mil]; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel[michael.bobrick@navy.mil]; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine[lisa.joy@navy.mil]; Leff, Karin[Leff.Karin@epa.gov]; McFarlane, Waina J CIV NAVSEA, SEA 00L[waina.j.mcfarlane@navy.mil]; Sansevero, Christine[Sansevero.Christine@epa.gov]; Calder, Steven[Calder.Steve@epa.gov]  
**From:** Kilborn, John  
**Sent:** Wed 3/22/2017 3:47:39 PM  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision  
[CUTLER CAFO FINAL 2017 03 22.pdf](#)

Dominick:

Based upon the draft CAFO that Sally Dalzell sent you on March 13, attached is a PDF of the cleaned-up, final version of the CAFO that is ready for signature. As you may know, the way this typically works is that the Respondent, in this case the Navy, signs the CAFO; the Region will then sign the CAFO; and then I will submit the fully executed CAFO to the Regional Judicial Officer for her approval. The CAFO only becomes effective after the all parties have signed, the Regional Judicial Office has approved and signed, and the fully executed CAFO is filed with the Regional Hearing Clerk. After you submit the Navy's signature, I will let you know the status of this process.

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If you have any questions, please do not hesitate to contact me.

John Kilborn

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Sent: Tuesday, March 21, 2017 11:11 AM  
To: Dalzell, Sally <Dalzell.Sally@epa.gov>; Kilborn, John <Kilborn.John@epa.gov>  
Cc: Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>; Leff, Karin <Leff.Karin@epa.gov>; McFarlane, Waina J CIV NAVSEA, SEA 00L <waina.j.mcfarlane@navy.mil>  
Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

If John can provide me with a cleaned-up version of the CAFO sometime this week, I'll start the administrative routing of the CAFO to obtain the signature of the responsible Navy official.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [mailto:Dalzell.Sally@epa.gov]  
Sent: Monday, March 13, 2017 5:49 PM  
To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10.

## Ex. 5 - Deliberative Process

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]

Sent: Friday, March 10, 2017 11:29 AM

To: Kilborn, John <Kilborn.John@epa.gov>

Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>

Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

# Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [mailto:Kilborn.John@epa.gov]

Sent: Monday, March 06, 2017 10:00 AM

To: Yacono, Dominick G CIV CNRMA, N00L

Cc: Dalzell, Sally

Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed. (I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]  
**From:** Kilborn, John  
**Sent:** Wed 3/22/2017 12:20:53 PM  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision

I glad it's almost done!

-----Original Message-----

From: Dalzell, Sally  
Sent: Tuesday, March 21, 2017 3:51 PM  
To: Kilborn, John <Kilborn.John@epa.gov>  
Cc: Leff, Karin <Leff.Karin@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
Subject: Re: EPA Proposal: Cutler - Interest Penalty Provision

Thanks for doing that, John, and thank you for your patience.

Sally

Sent from my iPhone

> On Mar 21, 2017, at 1:38 PM, Kilborn, John <Kilborn.John@epa.gov> wrote:  
>  
> Dominick:  
>  
> Thanks for the response, and I am glad that we could get this resolved.  
>  
> I will send you a clean version of the AOC tomorrow.  
>  
> John  
>

> -----Original Message-----

> From: Yacono, Dominick G CIV CNRMA, N00L  
> [mailto:dominick.yacono@navy.mil]  
> Sent: Tuesday, March 21, 2017 11:11 AM  
> To: Dalzell, Sally <Dalzell.Sally@epa.gov>; Kilborn, John  
> <Kilborn.John@epa.gov>  
> Cc: Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea  
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> Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR,  
> N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT,  
> Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT,  
> PWD Maine <lisa.joy@navy.mil>; Leff, Karin <Leff.Karin@epa.gov>;  
> McFarlane, Waina J CIV NAVSEA, SEA 00L <waina.j.mcfarlane@navy.mil>  
> Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision  
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> Good Morning Sally and John:  
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> r/ Dominick  
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> Associate Counsel  
> Navy Region Mid-Atlantic, Office of the General Counsel  
> 1550 Gilbert St., Bldg. N-21, Ste. 204 Norfolk, VA 23511  
> Phone:757-444-1395  
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> MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff,  
> Karin  
> Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty  
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## **Ex. 5 - Deliberative Process**

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> We look forward to hearing from you.  
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> Sally  
>  
> Sally M. Dalzell, Senior Counsel  
> Federal Facilities Enforcement Office, 2261A U.S. Environmental  
> Protection Agency  
> 1200 Pennsylvania Ave, N.W.  
> Washington, D.C. 20004  
> (202)564-2583  
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> Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan

> <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC

> <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel

> <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine

> <lisa.joy@navy.mil>

> Subject: RE: Cutler - Interest Penalty Provision

>

> Good Afternoon John:

>

## Ex. 5 - Deliberative Process

> r/ Dominick

>

>

> Dominick Yacono

> Associate Counsel

> Navy Region Mid-Atlantic, Office of the General Counsel

> 1550 Gilbert St., Bldg. N-21, Ste. 204 Norfolk, VA 23511

> Phone:757-444-1395

> Fax: 757-444-5543

>

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> Please let me know.  
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> Thanks, John  
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>  
> John W. Kilborn  
> Senior Enforcement Counsel  
> U.S. Environmental Protection Agency  
> Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA  
> 02109-3912  
>  
> Tel: 617-918-1893  
> Fax: 617-918-0893  
> E-Mail: kilborn.john@epa.gov  
>  
>  
>  
>  
>  
>

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]  
**Cc:** Muller, Marie[MULLER.MARIE@EPA.GOV]; Leff, Karin[Leff.Karin@epa.gov]  
**From:** Shiffman, Cari  
**Sent:** Wed 3/22/2017 1:12:18 AM  
**Subject:** RE: Case Entries for the Transition



Sally,

Here are the changes we made this round. Please make sure to send updates with track changes to Toni and Sarah next Thursday, March 30.

## **Ex. 5 - Deliberative Process**

Thanks,

Cari Shiffman, Special Assistant

U.S. Environmental Protection Agency

Office of Enforcement and Compliance Assurance

Office: (202) 564-2898 | Mobile: (202) 823-3277

**From:** Dalzell, Sally  
**Sent:** Monday, March 20, 2017 5:40 PM  
**To:** Shiffman, Cari <Shiffman.Cari@epa.gov>  
**Cc:** Muller, Marie <MULLER.MARIE@EPA.GOV>; Leff, Karin <Leff.Karin@epa.gov>  
**Subject:** Case Entries for the Transition

Cari:

Karin is out today in Region 3 shadowing for her CDP.

She asked me to consolidate our comments and send them to you.

I am not sure I have access to the share drive and I am not sure how to check.

If we are supposed to modify the chart and send on to you, I will do that gladly.

Can you send me the link if your preference is for me to modify the chart itself?

Thank you for your help.

Sally

---

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

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**To:** Cozad, David[Cozad.David@epa.gov]  
**Cc:** Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]; Miles, Erin[Miles.Erin@epa.gov]  
**From:** Leff, Karin  
**Sent:** Tue 3/21/2017 11:16:25 PM  
**Subject:** Re: EPA Proposal: Cutler - Interest Penalty Provision

Perfect. And I wrote Air Force in my note to you. Should be Navy. Long day.

Sent from my iPhone

On Mar 21, 2017, at 6:34 PM, Cozad, David <Cozad.David@epa.gov> wrote:

Hi Karin,

That's great news.

## Ex. 5 - Deliberative Process

Thanks

Dave

**From:** Leff, Karin  
**Sent:** Tuesday, March 21, 2017 2:07 PM  
**To:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>  
**Subject:** Fwd: EPA Proposal: Cutler - Interest Penalty Provision

# Ex. 5 - Deliberative Process

Sent from my iPhone

Begin forwarded message:

**From:** "Yacono, Dominick G CIV CNRMA, N00L" <[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)>  
**Date:** March 21, 2017 at 11:11:13 AM EDT  
**To:** "Dalzell, Sally" <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>, "Kilborn, John" <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>  
**Cc:** "Doster, Kathleen" <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>, "Dixon, Chelsea" <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>, "Muller, Marie" <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>, "Studlien, Susan" <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>, "Klena, Jude T CIV NAVIFOR, N03OGC" <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>, "Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel" <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>, "Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine" <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>, "Leff, Karin" <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>, "McFarlane, Waina J CIV NAVSEA, SEA 00L" <[waina.j.mcfarlane@navy.mil](mailto:waina.j.mcfarlane@navy.mil)>  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision

Good Morning Sally and John:

# Ex. 5 - Deliberative Process

If John can provide me with a cleaned-up version of the CAFO sometime this week, I'll start the administrative routing of the CAFO to obtain the signature of the responsible Navy official.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [<mailto:Dalzell.Sally@epa.gov>]

Sent: Monday, March 13, 2017 5:49 PM

To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John

Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin

Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10.

## **Ex. 5 - Deliberative Process**

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L

[mailto:[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)]

Sent: Friday, March 10, 2017 11:29 AM

To: Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>

Cc: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena, Jude T CIV NAVIFOR, N03OGC <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>

Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]  
Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed. (I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]  
**From:** Leff, Karin  
**Sent:** Tue 3/21/2017 11:11:48 PM  
**Subject:** Re: EPA Proposal: Cutler - Interest Penalty Provision

Yes I knew that ☐ tired.

Sent from my iPhone

On Mar 21, 2017, at 3:50 PM, Dalzell, Sally <Dalzell.Sally@epa.gov> wrote:

Navy here, Karin. ☐

I hope they don't need briefings.

Hope your shadowing has been interesting.

I'll bet it was.

See you tomorrow.

Sally

Sent from my iPhone

On Mar 21, 2017, at 2:07 PM, Leff, Karin <Leff.Karin@epa.gov> wrote:

## Ex. 5 - Deliberative Process

Sent from my iPhone

Begin forwarded message:

**From:** "Yacono, Dominick G CIV CNRMA, N00L" <dominick.yacono@navy.mil>  
**Date:** March 21, 2017 at 11:11:13 AM EDT  
**To:** "Dalzell, Sally" <Dalzell.Sally@epa.gov>, "Kilborn, John" <Kilborn.John@epa.gov>  
**Cc:** "Doster, Kathleen" <Doster.Kathleen@epa.gov>, "Dixon, Chelsea" <Dixon.Chelsea@epa.gov>, "Muller, Marie" <MULLER.MARIE@EPA.GOV>, "Studlien, Susan" <Studlien.Susan@epa.gov>, "Klena, Jude T CIV NAVIFOR,

N03OGC" <jude.klena@navy.mil>, "Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel" <michael.bobrick@navy.mil>, "Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine" <lisa.joy@navy.mil>, "Leff, Karin" <Leff.Karin@epa.gov>, "McFarlane, Waina J CIV NAVSEA, SEA 00L" <waina.j.mcfarlane@navy.mil>

**Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision**

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

If John can provide me with a cleaned-up version of the CAFO sometime this week, I'll start the administrative routing of the CAFO to obtain the signature of the responsible Navy official.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [<mailto:Dalzell.Sally@epa.gov>]  
Sent: Monday, March 13, 2017 5:49 PM  
To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10.

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection  
Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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it. If you have received this message in error, please notify the sender  
immediately by email and delete all copies of the message.

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L  
[mailto:[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)]

Sent: Friday, March 10, 2017 11:29 AM

To: Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>

Cc: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Doster, Kathleen

<Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>;  
Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan  
<Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC  
<jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT,  
Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT,  
PWD Maine <lisa.joy@navy.mil>  
Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

## **Ex. 5 - Deliberative Process**

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204

Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]  
Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed. (I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Leff, Karin[Leff.Karin@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]  
**Cc:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]; Miles, Erin[Miles.Erin@epa.gov]  
**From:** Cozad, David  
**Sent:** Tue 3/21/2017 10:34:14 PM  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision

Hi Karin,

That's great news.

## Ex. 5 - Deliberative Process

Thanks

Dave

**From:** Leff, Karin  
**Sent:** Tuesday, March 21, 2017 2:07 PM  
**To:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>  
**Subject:** Fwd: EPA Proposal: Cutler - Interest Penalty Provision

## Ex. 5 - Deliberative Process

Sent from my iPhone

Begin forwarded message:

**From:** "Yacono, Dominick G CIV CNRMA, N00L" <[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)>  
**Date:** March 21, 2017 at 11:11:13 AM EDT  
**To:** "Dalzell, Sally" <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>, "Kilborn, John" <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>  
**Cc:** "Doster, Kathleen" <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>, "Dixon, Chelsea" <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>, "Muller, Marie" <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>, "Studlien, Susan" <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>, "Klena, Jude T CIV NAVIFOR, N03OGC" <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>, "Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel" <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>, "Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine" <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>, "Leff, Karin" <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>, "McFarlane, Waina J CIV NAVSEA, SEA 00L" <[waina.j.mcfarlane@navy.mil](mailto:waina.j.mcfarlane@navy.mil)>  
**Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision**

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

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r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [[mailto:Dalzell.Sally@epa.gov](mailto:mailto:Dalzell.Sally@epa.gov)]  
Sent: Monday, March 13, 2017 5:49 PM  
To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

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## Ex. 5 - Deliberative Process

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
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Washington, D.C. 20004  
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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [<mailto:dominick.yacono@navy.mil>]  
Sent: Friday, March 10, 2017 11:29 AM

To: Kilborn, John <Kilborn.John@epa.gov>  
Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Doster, Kathleen  
<Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie  
<MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena,  
Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV  
NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC  
MIDLANT, PWD Maine <lisa.joy@navy.mil>  
Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

## Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]

Sent: Monday, March 06, 2017 10:00 AM

To: Yacono, Dominick G CIV CNRMA, N00L

Cc: Dalzell, Sally

Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed.  
(I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn

Senior Enforcement Counsel

U.S. Environmental Protection Agency

Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893

Fax: 617-918-0893

E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]  
**From:** Williams, Molly  
**Sent:** Tue 1/31/2017 8:31:46 PM  
**Subject:** RE: IPAC info.

Hi Sally – glad I could help, and hopefully it will help to get the payment quickly!

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**From:** Dalzell, Sally  
**Sent:** Tuesday, January 31, 2017 11:24 AM  
**To:** Williams, Molly <williams.molly@epa.gov>; Doster, Kathleen  
<Doster.Kathleen@epa.gov>  
**Cc:** Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
**Subject:** RE: IPAC info.

Thank you, Molly and Kathleen.

I am very appreciative of all your help.

Molly, who is your supervisor?

We would like to send him/her a note about your helping us and being so responsive.

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

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**From:** Williams, Molly

**Sent:** Tuesday, January 31, 2017 11:09 AM

**To:** Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>

**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
**Subject:** RE: IPAC info.

Hi Kathleen – IPAC is unique to federal agencies, so it really doesn't fall into the 'normal' payment options outlined in the payment terms...could you add it as another option, maybe after (d) stating

## Ex. 5 - DPP and ACP

Hope that helps!

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**From:** Doster, Kathleen

**Sent:** Tuesday, January 31, 2017 10:59 AM

**To:** Williams, Molly <williams.molly@epa.gov>

**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>

**Subject:** RE: IPAC info.

ATTORNEY-CLIENT PRIVILEGE

ENFORCEMENT CONFIDENTIAL

Hi Molly,

Sally Dalzell forwarded to me your email and I am hoping to give you a call to talk through this. Here is the standard language we usually use for payment of penalties by a federal agency:

**Ex. 5 - DPP and ACP**

# **Ex. 5 - DPP and ACP**

# Ex. 5 - DPP and ACP

Thanks so much for your help on this!

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

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**From:** Williams, Molly

**Sent:** Tuesday, January 31, 2017 9:13 AM

**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

**Subject:** IPAC info.

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty payment. It can either be ‘pushed’ to EPA...meaning when DFAS goes to process the payment, they can submit through IPAC to EPA (just have them reference the CAFO number in the description), or if they attach an ‘accepted’ MIPR to the CAFO (meaning, it has been obligated), then our staff can go in and ‘pull’ the funds from them. DFAS would still have to process the payment in their system, but it allows the transfer of cash to occur as soon as it is entered in IPAC. If they want to use IPAC, EPA’s Agency Location Code (ALC) is 68-01-0727. If they need additional information regarding IPAC, feel free to pass along my name/number to them.

Let me know if you have any other questions or need anything else!

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**To:** Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Cozad, David[Cozad.David@epa.gov]  
**Cc:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]; Miles, Erin[Miles.Erin@epa.gov]  
**From:** Leff, Karin  
**Sent:** Tue 3/21/2017 6:07:00 PM  
**Subject:** Fwd: EPA Proposal: Cutler - Interest Penalty Provision

## Ex. 5 - DPP, ACP, and AWP

Sent from my iPhone

Begin forwarded message:

**From:** "Yacono, Dominick G CIV CNRMA, N00L" <[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)>  
**Date:** March 21, 2017 at 11:11:13 AM EDT  
**To:** "Dalzell, Sally" <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>, "Kilborn, John" <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>  
**Cc:** "Doster, Kathleen" <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>, "Dixon, Chelsea" <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>, "Muller, Marie" <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>, "Studlien, Susan" <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>, "Klena, Jude T CIV NAVIFOR, N03OGC" <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>, "Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel" <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>, "Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine" <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>, "Leff, Karin" <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>, "McFarlane, Waina J CIV NAVSEA, SEA 00L" <[waina.j.mcfarlane@navy.mil](mailto:waina.j.mcfarlane@navy.mil)>  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

If John can provide me with a cleaned-up version of the CAFO sometime this week, I'll start the administrative routing of the CAFO to obtain the signature of the responsible Navy official.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395

Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [<mailto:Dalzell.Sally@epa.gov>]

Sent: Monday, March 13, 2017 5:49 PM

To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John

Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin

Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10.

## Ex. 5 - Deliberative Process

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [<mailto:dominick.yacono@navy.mil>]

Sent: Friday, March 10, 2017 11:29 AM

To: Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>

Cc: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Doster, Kathleen

<[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie

<[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena,

Jude T CIV NAVIFOR, N03OGC <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV

NAVFAC MIDLANT, Counsel <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC

MIDLANT, PWD Maine <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>

Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

## Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]  
Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed.  
(I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)



**To:** Doster, Kathleen[Doster.Kathleen@epa.gov]  
**Cc:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]  
**From:** Williams, Molly  
**Sent:** Tue 1/31/2017 8:31:00 PM  
**Subject:** RE: IPAC info.

Hi Kathleen, sorry, I've been in meetings this afternoon...I've updated the ALC in the second section and added a couple of words. Have you talked to them to make sure they would be processing a MIPR, otherwise, your second note may not be applicable.

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**From:** Doster, Kathleen  
**Sent:** Tuesday, January 31, 2017 12:44 PM  
**To:** Williams, Molly <williams.molly@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
**Subject:** RE: IPAC info.

Thanks so much Molly! Here is how I drafted the IPAC provisions so far –

# Ex. 5 - DPP and ACP

I'm fuzzy on the actual process so I'm not sure if "signed" is the right trigger. Does the MIPR need to be submitted to IPAC?

Thank you!

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

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please delete the copy you received, and do not disseminate, distribute, or otherwise use the information in this communication.

**From:** Williams, Molly

**Sent:** Tuesday, January 31, 2017 11:09 AM

**To:** Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>

**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>

**Subject:** RE: IPAC info.

Hi Kathleen – IPAC is unique to federal agencies, so it really doesn't fall into the 'normal' payment options outlined in the payment terms...could you add it as another option, maybe after (d) stating

## Ex. 5 - DPP and ACP

Hope that helps!

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**From:** Doster, Kathleen  
**Sent:** Tuesday, January 31, 2017 10:59 AM  
**To:** Williams, Molly <[williams.molly@epa.gov](mailto:williams.molly@epa.gov)>  
**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>  
**Subject:** RE: IPAC info.

ATTORNEY-CLIENT PRIVILEGE

ENFORCEMENT CONFIDENTIAL

Hi Molly,

Sally Dalzell forwarded to me your email and I am hoping to give you a call to talk through this.  
Here is the standard language we usually use for payment of penalties by a federal agency:

**Ex. 5 - DPP and ACP**

# **Ex. 5 - DPP and ACP**

# Ex. 5 - DPP and ACP

Thanks so much for your help on this!

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

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**From:** Williams, Molly  
**Sent:** Tuesday, January 31, 2017 9:13 AM  
**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** IPAC info.

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty payment. It can either be ‘pushed’ to EPA...meaning when DFAS goes to process the payment, they can submit through IPAC to EPA (just have them reference the CAFO number in the description), or if they attach an ‘accepted’ MIPR to the CAFO (meaning, it has been obligated), then our staff can go in and ‘pull’ the funds from them. DFAS would still have to process the payment in their system, but it allows the transfer of cash to occur as soon as it is entered in IPAC. If they want to use IPAC, EPA’s Agency Location Code (ALC) is 68-01-0727. If they need additional information regarding IPAC, feel free to pass along my name/number to them.

Let me know if you have any other questions or need anything else!

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)



**To:** Yacono, Dominick G CIV CNRMA, N00L[dominick.yacono@navy.mil]  
**Cc:** Dalzell, Sally[Dalzell.Sally@epa.gov]  
**From:** Kilborn, John  
**Sent:** Tue 3/21/2017 5:38:28 PM  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision

Dominick:

Thanks for the response, and I am glad that we could get this resolved.

I will send you a clean version of the AOC tomorrow.

John

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]  
Sent: Tuesday, March 21, 2017 11:11 AM  
To: Dalzell, Sally <Dalzell.Sally@epa.gov>; Kilborn, John <Kilborn.John@epa.gov>  
Cc: Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>; Leff, Karin <Leff.Karin@epa.gov>; McFarlane, Waina J CIV NAVSEA, SEA 00L <waina.j.mcfarlane@navy.mil>  
Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

If John can provide me with a cleaned-up version of the CAFO sometime this week, I'll start the administrative routing of the CAFO to obtain the signature of the responsible Navy official.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [mailto:Dalzell.Sally@epa.gov]  
Sent: Monday, March 13, 2017 5:49 PM  
To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10.

## Ex. 5 - Deliberative Process

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]  
Sent: Friday, March 10, 2017 11:29 AM  
To: Kilborn, John <Kilborn.John@epa.gov>  
Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>  
Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [mailto:Kilborn.John@epa.gov]  
Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed. (I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel

U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Kilborn, John[Kilborn.John@epa.gov]; Wagner, Michael[wagner.michael@epa.gov]; Olivier, Tom[olivier.tom@epa.gov]; Rapp, Steve[Rapp.Steve@epa.gov]; Sansevero, Christine[Sansevero.Christine@epa.gov]; Calder, Steven[Calder.Steve@epa.gov]; Fenn, Anne[fenn.anne@epa.gov]; Jerison, Joanna[Jerison.Joanna@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]  
**Cc:** Leff, Karin[Leff.Karin@epa.gov]  
**From:** Studlien, Susan  
**Sent:** Tue 3/21/2017 5:19:25 PM  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision

Thanks John, and thanks to the team. This is terrific!

-----Original Message-----

From: Kilborn, John  
Sent: Tuesday, March 21, 2017 11:27 AM  
To: Studlien, Susan <Studlien.Susan@epa.gov>; Wagner, Michael <wagner.michael@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>; Rapp, Steve <Rapp.Steve@epa.gov>; Sansevero, Christine <Sansevero.Christine@epa.gov>; Calder, Steven <Calder.Steve@epa.gov>; Fenn, Anne <fenn.anne@epa.gov>; Jerison, Joanna <Jerison.Joanna@epa.gov>  
Subject: FW: EPA Proposal: Cutler - Interest Penalty Provision

Good news! The Navy has agreed to FFEO's CAFO language! I will send the Navy a clean version of the CAFO for their signature by tomorrow.

It is good that this case appears to be over.

John

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]  
Sent: Tuesday, March 21, 2017 11:11 AM  
To: Dalzell, Sally <Dalzell.Sally@epa.gov>; Kilborn, John <Kilborn.John@epa.gov>  
Cc: Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>; Leff, Karin <Leff.Karin@epa.gov>; McFarlane, Waina J CIV NAVSEA, SEA 00L <waina.j.mcfarlane@navy.mil>  
Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

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r/ Dominick

Dominick Yacono  
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1550 Gilbert St., Bldg. N-21, Ste. 204

Norfolk, VA 23511  
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Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

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## Ex. 5 - Deliberative Process

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]

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To: Kilborn, John <Kilborn.John@epa.gov>  
Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>  
Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

# Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

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Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

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Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Williams, Molly[williams.molly@epa.gov]  
**Cc:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]  
**From:** Doster, Kathleen  
**Sent:** Tue 1/31/2017 5:44:05 PM  
**Subject:** RE: IPAC info.

Thanks so much Molly! Here is how I drafted the IPAC provisions so far –

## **Ex. 5 - DPP, ACP, and AWP**

Thank you!

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

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**From:** Williams, Molly

**Sent:** Tuesday, January 31, 2017 11:09 AM

**To:** Doster, Kathleen <Doster.Kathleen@epa.gov>

**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>

**Subject:** RE: IPAC info.

Hi Kathleen – IPAC is unique to federal agencies, so it really doesn't fall into the 'normal' payment options outlined in the payment terms...could you add it as another option, maybe after (d) stating

## Ex. 5 - DPP and ACP

Hope that helps!

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**From:** Doster, Kathleen

**Sent:** Tuesday, January 31, 2017 10:59 AM

**To:** Williams, Molly <[williams.molly@epa.gov](mailto:williams.molly@epa.gov)>

**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>

**Subject:** RE: IPAC info.

ATTORNEY-CLIENT PRIVILEGE

ENFORCEMENT CONFIDENTIAL

Hi Molly,

Sally Dalzell forwarded to me your email and I am hoping to give you a call to talk through this. Here is the standard language we usually use for payment of penalties by a federal agency:

**Ex. 5 - DPP, ACP, and AWP**

# **Ex. 5 - DPP, ACP, and AWP**

# **Ex. 5 - DPP, ACP, and AWP**

Thanks so much for your help on this!

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

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**From:** Williams, Molly  
**Sent:** Tuesday, January 31, 2017 9:13 AM  
**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** IPAC info.

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Let me know if you have any other questions or need anything else!

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**To:** Leff, Karin[Leff.Karin@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]  
**From:** Doster, Kathleen  
**Sent:** Tue 1/31/2017 5:30:19 PM  
**Subject:** RE: IPAC info.

Great news. I am working on draft language now. Luckily I talked to Gracie and IPAC language is included in her Region 3 case that was signed in September so I am using that language (with a couple of tweaks). Will send around for comment shortly!

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

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**From:** Leff, Karin

**Sent:** Tuesday, January 31, 2017 12:27 PM

**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>

**Subject:** RE: IPAC info.

Talked to Susan Studlien and had a nice call. I explained our approach and she thought that

would be a good outcome. She was calling John to let him know so you guys could work together to get new language proposed. In addition, she mentioned that Johanna Jerrison ( who I know from SF) will be managing the Fed Fac work rather than Audrey Zucker. Joanna agreed to takeover on the condition that she got 2 new hires for fed fac. Well those hires aren't happening because of the freeze. I offered up our talented folks to help out on cases if the region needed support. Susan was quite interested and was going to discuss with Johanna.

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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**From:** Dalzell, Sally

**Sent:** Tuesday, January 31, 2017 10:05 AM

**To:** Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>

**Cc:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>

**Subject:** FW: IPAC info.

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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**From:** Williams, Molly  
**Sent:** Tuesday, January 31, 2017 9:13 AM  
**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** IPAC info.

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty payment. It can either be ‘pushed’ to EPA...meaning when DFAS goes to process the payment,

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Let me know if you have any other questions or need anything else!

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Doster, Kathleen[Doster.Kathleen@epa.gov]; Kilborn, John[Kilborn.John@epa.gov]; Studlien, Susan[Studlien.Susan@epa.gov]  
**From:** Leff, Karin  
**Sent:** Tue 3/21/2017 4:48:46 PM  
**Subject:** Fwd: EPA Proposal: Cutler - Interest Penalty Provision

I think this is great news. Good job everyone!

Sent from my iPhone

Begin forwarded message:

**From:** "Yacono, Dominick G CIV CNRMA, N00L" <dominick.yacono@navy.mil>  
**Date:** March 21, 2017 at 11:11:13 AM EDT  
**To:** "Dalzell, Sally" <Dalzell.Sally@epa.gov>, "Kilborn, John" <Kilborn.John@epa.gov>  
**Cc:** "Doster, Kathleen" <Doster.Kathleen@epa.gov>, "Dixon, Chelsea" <Dixon.Chelsea@epa.gov>, "Muller, Marie" <MULLER.MARIE@EPA.GOV>, "Studlien, Susan" <Studlien.Susan@epa.gov>, "Klena, Jude T CIV NAVIFOR, N03OGC" <jude.klena@navy.mil>, "Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel" <michael.bobrick@navy.mil>, "Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine" <lisa.joy@navy.mil>, "Leff, Karin" <Leff.Karin@epa.gov>, "McFarlane, Waina J CIV NAVSEA, SEA 00L" <waina.j.mcfarlane@navy.mil>  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

If John can provide me with a cleaned-up version of the CAFO sometime this week, I'll start the administrative routing of the CAFO to obtain the signature of the responsible Navy official.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [<mailto:Dalzell.Sally@epa.gov>]

Sent: Monday, March 13, 2017 5:49 PM

To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John

Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin

Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10.

## **Ex. 5 - Deliberative Process**

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [<mailto:dominick.yacono@navy.mil>]

Sent: Friday, March 10, 2017 11:29 AM

To: Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>

Cc: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Doster, Kathleen

<[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie

<[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena,

Jude T CIV NAVIFOR, N03OGC <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV

NAVFAC MIDLANT, Counsel <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC

MIDLANT, PWD Maine <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>

Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

## Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]  
Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed.  
(I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)



**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Doster, Kathleen[Doster.Kathleen@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]  
**From:** Leff, Karin  
**Sent:** Tue 1/31/2017 5:26:46 PM  
**Subject:** RE: IPAC info.

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Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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**Subject:** FW: IPAC info.

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

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Let me know if you have any other questions or need anything else!

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

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Cincinnati, OH 45268

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**Cc:** Doster, Kathleen[Doster.Kathleen@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Studlien, Susan[Studlien.Susan@epa.gov]; Klena, Jude T CIV NAVIFOR, N03OGC[jude.klena@navy.mil]; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel[michael.bobrick@navy.mil]; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine[lisa.joy@navy.mil]; Leff, Karin[Leff.Karin@epa.gov]; McFarlane, Waina J CIV NAVSEA, SEA 00L[waina.j.mcfarlane@navy.mil]  
**From:** Yacono, Dominick G CIV CNRMA, N00L  
**Sent:** Tue 3/21/2017 3:11:13 PM  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision  
[smime.p7s](#)

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

If John can provide me with a cleaned-up version of the CAFO sometime this week, I'll start the administrative routing of the CAFO to obtain the signature of the responsible Navy official.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

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**To:** Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
**Cc:** Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
**Subject:** [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

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## Ex. 5 - Deliberative Process

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Sally

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Sent: Friday, March 10, 2017 11:29 AM  
To: Kilborn, John <Kilborn.John@epa.gov>  
Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>  
Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

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Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

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Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: kilborn.john@epa.gov

**To:** Yacono, Dominick G CIV CNRMA, N00L[dominick.yacono@navy.mil]  
**Cc:** Klena, Jude T CIV NAVIFOR, N03OGC[jude.klena@navy.mil]; Dalzell, Sally[Dalzell.Sally@epa.gov]  
**From:** Kilborn, John  
**Sent:** Mon 3/27/2017 3:07:37 PM  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision  
CUTLER CAFO FINAL 2017 03 22.pdf

Dominick:

Thanks for catching the error. Attached is a corrected CAFO.

Thanks again for moving this along.

John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3)  
Boston, MA 02109-3912

Tel: 617-918-1893

E-Mail: kilborn.john@epa.gov

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]  
Sent: Thursday, March 23, 2017 6:13 PM  
To: Kilborn, John <Kilborn.John@epa.gov>  
Cc: Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>  
Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision

John:

Two issues I want to bring to your attention:

(1) I have an appointment on Tuesday, 4 April, with Captain Lear, the Commanding Officer of NCTAMS LANT here in Norfolk, VA, to review the CAFO document with him, answer potential questions, and then sign the document. Captain Lear is unavailable until then due to travel. I will scan a copy of the signed CAFO and send it to you via e-mail with the original CAFO being shipped via U.S. mail to your office on 4 April if everything goes smoothly; and,

(2) Not knowing how picky the Regional Judicial Officer at EPA Region 1 can be, I wanted to alert you that the last sentence in paragraph 6 of Appendix 1 is missing a period ".". I leave it up to you to determine if you want to correct it and send me a corrected CAFO before I have Captain Lear sign the document on 4 April.

Thanks.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel

1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [mailto:Kilborn.John@epa.gov]  
Sent: Wednesday, March 22, 2017 11:48 AM  
To: Yacono, Dominick G CIV CNRMA, N00L; Dalzell, Sally  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin; McFarlane, Waina J CIV NAVSEA, SEA 00L; Sansevero, Christine; Calder, Steven  
Subject: [Non-DoD Source] RE: EPA Proposal: Cutler - Interest Penalty Provision

Dominick:

## Ex. 5 - Deliberative Process

If you have any questions, please do not hesitate to contact me.

John Kilborn

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]  
Sent: Tuesday, March 21, 2017 11:11 AM  
To: Dalzell, Sally <Dalzell.Sally@epa.gov>; Kilborn, John <Kilborn.John@epa.gov>  
Cc: Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>; Leff, Karin <Leff.Karin@epa.gov>; McFarlane, Waina J CIV NAVSEA, SEA 00L <waina.j.mcfarlane@navy.mil>  
Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

If John can provide me with a cleaned-up version of the CAFO sometime this week, I'll start the administrative routing of the CAFO to obtain the signature of the responsible Navy official.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [mailto:Dalzell.Sally@epa.gov]  
Sent: Monday, March 13, 2017 5:49 PM  
To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10.

## Ex. 5 - Deliberative Process

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]

Sent: Friday, March 10, 2017 11:29 AM

To: Kilborn, John <Kilborn.John@epa.gov>

Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>

Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

## Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [mailto:Kilborn.John@epa.gov]

Sent: Monday, March 06, 2017 10:00 AM

To: Yacono, Dominick G CIV CNRMA, N00L

Cc: Dalzell, Sally

Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed. (I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]  
**From:** Rice, Cassandra  
**Sent:** Tue 1/31/2017 4:32:37 PM  
**Subject:** RE: Clean Water Act/Storm water and Federal Facility Compliance

Sally - Thanks for this additional information. Good advice.

-Cassandra

**From:** Dalzell, Sally  
**Sent:** Tuesday, January 31, 2017 11:29 AM  
**To:** Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Rice, Cassandra <rice.cassandra@epa.gov>  
**Subject:** RE: Clean Water Act/Storm water and Federal Facility Compliance

Hi, Cassandra:

# Ex. 5 - DPP and ACP

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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**From:** Pendleton, Gracie

**Sent:** Tuesday, January 31, 2017 10:02 AM

**To:** Rice, Cassandra <[rice.cassandra@epa.gov](mailto:rice.cassandra@epa.gov)>

**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

**Subject:** Clean Water Act/Storm water and Federal Facility Compliance

Cassandra –

**Ex. 5 - DPP and ACP**

Please let me know if I can be of further assistance.

Thanks!

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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**To:** Doster, Kathleen[Doster.Kathleen@epa.gov]  
**Cc:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]  
**From:** Williams, Molly  
**Sent:** Tue 1/31/2017 4:08:32 PM  
**Subject:** RE: IPAC info.

Hi Kathleen – IPAC is unique to federal agencies, so it really doesn't fall into the 'normal' payment options outlined in the payment terms...could you add it as another option, maybe after (d) stating

## Ex. 5 - DPP, ACP, and AWP

Hope that helps!

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**From:** Doster, Kathleen  
**Sent:** Tuesday, January 31, 2017 10:59 AM  
**To:** Williams, Molly <williams.molly@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
**Subject:** RE: IPAC info.

ATTORNEY-CLIENT PRIVILEGE

ENFORCEMENT CONFIDENTIAL

Hi Molly,

Sally Dalzell forwarded to me your email and I am hoping to give you a call to talk through this.  
Here is the standard language we usually use for payment of penalties by a federal agency:

**Ex. 5 - DPP, ACP, and AWP**

# **Ex. 5 - DPP, ACP, and AWP**

# Ex. 5 - DPP, ACP, and AWP

Thanks so much for your help on this!

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

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**From:** Williams, Molly

**Sent:** Tuesday, January 31, 2017 9:13 AM

**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

**Subject:** IPAC info.

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty payment. It can either be ‘pushed’ to EPA...meaning when DFAS goes to process the payment, they can submit through IPAC to EPA (just have them reference the CAFO number in the description), or if they attach an ‘accepted’ MIPR to the CAFO (meaning, it has been obligated), then our staff can go in and ‘pull’ the funds from them. DFAS would still have to process the payment in their system, but it allows the transfer of cash to occur as soon as it is entered in IPAC. If they want to use IPAC, EPA’s Agency Location Code (ALC) is 68-01-0727. If they need additional information regarding IPAC, feel free to pass along my name/number to them.

Let me know if you have any other questions or need anything else!

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**To:** Williams, Molly[williams.molly@epa.gov]  
**Cc:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]  
**From:** Doster, Kathleen  
**Sent:** Tue 1/31/2017 3:59:28 PM  
**Subject:** RE: IPAC info.

ATTORNEY-CLIENT PRIVILEGE

ENFORCEMENT CONFIDENTIAL

Hi Molly,

Sally Dalzell forwarded to me your email and I am hoping to give you a call to talk through this.  
Here is the standard language we usually use for payment of penalties by a federal agency:

**Ex. 5 - DPP, ACP, and AWP**

# **Ex. 5 - DPP, ACP, and AWP**

# Ex. 5 - DPP, ACP, and AWP

Thanks so much for your help on this!

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

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**From:** Williams, Molly

**Sent:** Tuesday, January 31, 2017 9:13 AM

**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** IPAC info.

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty payment. It can either be ‘pushed’ to EPA...meaning when DFAS goes to process the payment, they can submit through IPAC to EPA (just have them reference the CAFO number in the description), or if they attach an ‘accepted’ MIPR to the CAFO (meaning, it has been obligated), then our staff can go in and ‘pull’ the funds from them. DFAS would still have to process the payment in their system, but it allows the transfer of cash to occur as soon as it is entered in IPAC. If they want to use IPAC, EPA’s Agency Location Code (ALC) is 68-01-0727. If they need additional information regarding IPAC, feel free to pass along my name/number to them.

Let me know if you have any other questions or need anything else!

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]  
**From:** Leff, Karin  
**Sent:** Fri 2/17/2017 1:32:05 PM  
**Subject:** Fwd: Cutler Naval Air Station

## Ex. 5 - DPP, ACP, and AWP

Sent from my iPhone

Begin forwarded message:

**From:** "Cozad, David" <Cozad.David@epa.gov>  
**Date:** February 16, 2017 at 7:28:32 PM EST  
**To:** "Leff, Karin" <Leff.Karin@epa.gov>  
**Subject:** FW: Cutler Naval Air Station

Hi Karin,

Meet at 9:30? See below for background. Hope your trip to Oak Ridge was fruitful.

Dave

**From:** Starfield, Lawrence  
**Sent:** Thursday, February 16, 2017 4:15 PM  
**To:** Cozad, David <Cozad.David@epa.gov>  
**Subject:** FW: Cutler Naval Air Station

Dave,

## Ex. 5 - DPP, ACP, and AWP

Thanks.

Larry

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**From:** Studlien, Susan  
**Sent:** Thursday, February 16, 2017 10:49 AM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Subject:** Cutler Naval Air Station

Larry,

## **Ex. 5 - DPP, ACP, and AWP**

# **Ex. 5 - DPP, ACP, and AWP**

Susan Studlien, Director

Office of Environmental Stewardship

U.S. Environmental Protection Agency, Region i

5 Post Office Square

Boston, Massachusetts 02109

Phone: 617-918-1701

Mobile: 857-225-2121

**To:** Miles, Erin[Miles.Erin@epa.gov]  
**Cc:** OECA Office Directors and Deputy Directors[OECA\_Office\_Directors\_and\_Deputy\_Directors@epa.gov]  
**From:** Leff, Karin  
**Sent:** Thur 3/2/2017 5:28:53 PM  
**Subject:** Re: Items for the Weekly Administrator's Report

FFEO doesn't have anything of that magnitude. We have a few settlements if you'd like. I think OSRE has a big bankruptcy. Let me know if you need smaller settlements

Sent from my iPhone

On Mar 2, 2017, at 8:27 AM, Miles, Erin <[Miles.Erin@epa.gov](mailto:Miles.Erin@epa.gov)> wrote:

Just a reminder to please send me this week's accomplishments and upcoming events/hot topics by noon or so today. Thanks.

**From:** Miles, Erin  
**Sent:** Wednesday, February 22, 2017 6:57 AM  
**To:** OECA Office Directors and Deputy Directors  
<[OECA\\_Office\\_Directors\\_and\\_Deputy\\_Directors@epa.gov](mailto:OECA_Office_Directors_and_Deputy_Directors@epa.gov)>  
**Subject:** Items for the Weekly Administrator's Report

ODs and Deputies,

Each Thursday, Larry sends a report to the Administrator's Office on significant upcoming events in OECA, and accomplishments from the current week. We have been collecting the look ahead items at the OD meeting, but I think it would be more efficient to also get these from you via email.

So, each Wednesday I will send a reminder to send me one or two accomplishments (or more!) from the current week, and any look ahead items you may have that you think Larry may want to flag for the Administrator's Office. My recommendation is to err on the side of over-inclusiveness at this point. Also, this process may change now that we have a new Administrator, but no word on that yet.

Please send me your items by noon on Thursday. You should also continue to flag the look ahead items at the OD meeting. Below are examples from prior weeks (I think Larry has been sending these to you).

Thanks!

Erin

### OECA - Notable Items from the Current Week

- [redacted] Briefed Justin Schwab on the VW litigation, the Flint MI enforcement order, and time-sensitive Regional cases and criminal cases.
- [redacted] The solicitation for the EJ Small Grants program closed on February 10 with 188 applicants. Awards anticipated to be made late summer.
- [redacted] EPA Region 10 reached a settlement with the US Air Force for RCRA hazardous waste management, storage, and waste transfer violations at Joint Base Elmendorf-Richardson in Anchorage, Alaska. The Air Force will pay a penalty of \$81,310 and complete a SEP (valued at \$200,000) to replace legacy lighting systems with more efficient LED lighting. The LED lighting will be free of hazardous materials, therefore eliminating a future hazardous waste stream, and it will also conserve 116,864 kw/hr per year of energy, resulting in an environmental benefit from the reduction of NOx, CO<sub>2</sub>, and VOC emissions of 16,655 pounds per year.
- [redacted] Briefed Justin Schwab on the NEPA, Environmental Justice, and Criminal Enforcement programs, and discussed a process for flagging high profile matters or matters of interest. Also had more in-depth briefings on two case-specific matters in partnership with Regions 8 and 10.
- [redacted] Provided a background briefing for the entire Transition Team on the NEPA program.

• [redacted]

### Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Our response is due in 30 days.

## OECA - Notable Items for the Weeks Ahead

- On Wednesday, February 22, EPA (OITA, OECA/OEJ, OLEM, and OW) will host a visit by the UN Special Rapporteur on the Rights of Indigenous Peoples as part of a visit to gather information on U.S. legislative and institutional actions with respect to energy development projects which affect the rights of indigenous peoples.
- OECA's NEPA Office is initiating a program to provide assistance to other Federal agencies on the NEPA process. The hope is to build a better understanding of each agency's process for environmental reviews under NEPA and to identify efficiencies in those processes. Meetings will begin with FERC in March and with APHIS (the Animal and Plant Health Inspection Service) in April.
- OECA's Office of Environmental Justice (OEJ) will attend a summit next Friday with the Appalachian Regional Commission that will showcase innovative rural economic development projects. OEJ has been working to connect sister federal agencies with OEJ's community level partners in low-income areas like Appalachia that are also suffering from environmental stressors.
- Next week, EPA Region 4, OLEM and OECA's Federal Facilities Enforcement Office will meet with DOE and state representatives in Oak Ridge, TN, to facilitate the cleanup of the Oak Ridge nuclear weapons complex and discuss key areas for action during the year.
- We will provide general briefings for Justin Schwab on OECA's Compliance programs and Superfund Enforcement program.
- We will also provide case-specific briefings for Justin on the VW litigation (and related cases), and several time-sensitive Regional cases.

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]  
**From:** Williams, Molly  
**Sent:** Tue 1/31/2017 2:12:55 PM  
**Subject:** IPAC info.

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty payment. It can either be ‘pushed’ to EPA...meaning when DFAS goes to process the payment, they can submit through IPAC to EPA (just have them reference the CAFO number in the description), or if they attach an ‘accepted’ MIPR to the CAFO (meaning, it has been obligated), then our staff can go in and ‘pull’ the funds from them. DFAS would still have to process the payment in their system, but it allows the transfer of cash to occur as soon as it is entered in IPAC. If they want to use IPAC, EPA’s Agency Location Code (ALC) is 68-01-0727. If they need additional information regarding IPAC, feel free to pass along my name/number to them.

Let me know if you have any other questions or need anything else!

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**To:** Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Dalzell, Sally[Dalzell.Sally@epa.gov]; Hunt, Stuart[Hunt.Stuart@epa.gov]  
**From:** Leff, Karin  
**Sent:** Tue 1/24/2017 1:53:39 PM  
**Subject:** RE: Fort Devens - FYI

## Ex. 5 - DPP, ACP, and AWP

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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**From:** Dixon, Chelsea  
**Sent:** Tuesday, January 24, 2017 8:47 AM  
**To:** Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Subject:** RE: Fort Devens - FYI

Hi Karin,

# Ex. 5 - DPP, ACP, and AWP

Chelsea

Chelsea E. Dixon, Attorney-Advisor

Federal Facilities Enforcement Office

U.S. Environmental Protection Agency

WJC South 2202E

1200 Pennsylvania Ave., NW (MC 2261A)

Washington, DC 20460

(202) 564-2592

**From:** Leff, Karin

**Sent:** Monday, January 23, 2017 5:14 PM

**To:** Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>;  
Hunt, Stuart <[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>

**Subject:** FW: Fort Devens - FYI

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

**From:** Starfield, Lawrence

**Sent:** Monday, January 23, 2017 5:11 PM

**To:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>

**Subject:** FW: Fort Devens

**Ex. 5 - DPP, ACP, and AWP**

Larry

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**From:** Szaro, Deb

**Sent:** Monday, January 23, 2017 4:11 PM

**To:** Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>

**Cc:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>

**Subject:** FW: Fort Devens

Barry,

## **Ex. 5 - DPP, ACP, and AWP**

Deb

## **Ex. 5 - DPP, ACP, and AWP**

# **Ex. 5 - DPP, ACP, and AWP**

**To:** Leff, Karin[Leff.Karin@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Dalzell, Sally[Dalzell.Sally@epa.gov]; Hunt, Stuart[Hunt.Stuart@epa.gov]  
**From:** Dixon, Chelsea  
**Sent:** Tue 1/24/2017 1:46:41 PM  
**Subject:** RE: Fort Devens - FYI

Hi Karin,

## **Ex. 5 - DPP, ACP, and AWP**

Chelsea

Chelsea E. Dixon, Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202E  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2592

**From:** Leff, Karin  
**Sent:** Monday, January 23, 2017 5:14 PM  
**To:** Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>;  
Hunt, Stuart <Hunt.Stuart@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
**Subject:** FW: Fort Devens - FYI

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

**From:** Starfield, Lawrence  
**Sent:** Monday, January 23, 2017 5:11 PM  
**To:** Leff, Karin <Leff.Karin@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Subject:** FW: Fort Devens

## Ex. 5 - DPP, ACP, and AWP

Larry

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**From:** Szaro, Deb  
**Sent:** Monday, January 23, 2017 4:11 PM  
**To:** Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>  
**Cc:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Subject:** FW: Fort Devens

Barry,

**Ex. 5 - DPP, ACP, and AWP**

Deb

**Ex. 5 - DPP, ACP, and AWP**

# **Ex. 5 - DPP, ACP, and AWP**

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Kilborn, John[Kilborn.John@epa.gov]  
**Cc:** Doster, Kathleen[Doster.Kathleen@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Studlien, Susan[Studlien.Susan@epa.gov]; Klena, Jude T CIV NAVIFOR, N03OGC[jude.klena@navy.mil]; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel[michael.bobrick@navy.mil]; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine[lisa.joy@navy.mil]; Leff, Karin[Leff.Karin@epa.gov]  
**From:** Yacono, Dominick G CIV CNRMA, N00L  
**Sent:** Mon 3/13/2017 9:53:07 PM  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision  
[smime.p7s](#)

Sally:

Thank you for the reply and the revised language. Let me circulate the revised text with the goal of providing a response before this coming Friday or earlier if possible.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [mailto:Dalzell.Sally@epa.gov]  
Sent: Monday, March 13, 2017 5:49 PM  
To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10.

## Ex. 5 - Deliberative Process

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental  
Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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disseminate this message or any part of it. If you have received this message in error, please notify the  
sender immediately by email and delete all copies of the message.

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]  
Sent: Friday, March 10, 2017 11:29 AM  
To: Kilborn, John <Kilborn.John@epa.gov>  
Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon,  
Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan  
<Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick,  
Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC  
MIDLANT, PWD Maine <lisa.joy@navy.mil>  
Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

## Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [mailto:Kilborn.John@epa.gov]  
Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed. (I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: kilborn.john@epa.gov

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]  
**From:** Kilborn, John  
**Sent:** Fri 3/24/2017 5:40:41 PM  
**Subject:** Fw: EPA Proposal: Cutler - Interest Penalty Provision

FYI. I am going to fix the period!

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3)  
Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: kilborn.john@epa.gov

---

**From:** Yacono, Dominick G CIV CNRMA, N00L <dominick.yacono@navy.mil>  
**Sent:** Thursday, March 23, 2017 6:13 PM  
**To:** Kilborn, John  
**Cc:** Klena, Jude T CIV NAVIFOR, N03OGC  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision

John:

Two issues I want to bring to your attention:

(1) I have an appointment on Tuesday, 4 April, with Captain Lear, the Commanding Officer of NCTAMS LANT here in Norfolk, VA, to review the CAFO document with him, answer potential questions, and then sign the document. Captain Lear is unavailable until then due to travel. I will scan a copy of the signed CAFO and send it to you via e-mail with the original CAFO being shipped via U.S. mail to your office on 4 April if everything goes smoothly; and,

(2) Not knowing how picky the Regional Judicial Officer at EPA Region 1 can be, I wanted to alert you that the last sentence in paragraph 6 of Appendix 1 is missing a period ".". I leave it up to you to determine if you want to correct it and send me a corrected CAFO before I have Captain Lear sign the document on 4 April.

Thanks.

r/ Dominick

Dominick Yacono  
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Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511

Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [mailto:Kilborn.John@epa.gov]  
Sent: Wednesday, March 22, 2017 11:48 AM  
To: Yacono, Dominick G CIV CNRMA, N00L; Dalzell, Sally  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin; McFarlane, Waina J CIV NAVSEA, SEA 00L; Sansevero, Christine; Calder, Steven  
Subject: [Non-DoD Source] RE: EPA Proposal: Cutler - Interest Penalty Provision

Dominick:

## Ex. 5 - Deliberative Process

If you have any questions, please do not hesitate to contact me.

John Kilborn

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]  
Sent: Tuesday, March 21, 2017 11:11 AM  
To: Dalzell, Sally <Dalzell.Sally@epa.gov>; Kilborn, John <Kilborn.John@epa.gov>  
Cc: Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>; Leff, Karin <Leff.Karin@epa.gov>; McFarlane, Waina J CIV NAVSEA, SEA 00L <waina.j.mcfarlane@navy.mil>  
Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

If John can provide me with a cleaned-up version of the CAFO sometime this week, I'll start the administrative routing of the CAFO to obtain the signature of the responsible Navy official.

r/ Dominick

Dominick Yacono  
Associate Counsel  
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Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10.

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We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [<mailto:dominick.yacono@navy.mil>]

Sent: Friday, March 10, 2017 11:29 AM

To: Kilborn, John <Kilborn.John@epa.gov>

Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>

Subject: RE: Cutler - Interest Penalty Provision

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1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]

Sent: Monday, March 06, 2017 10:00 AM

To: Yacono, Dominick G CIV CNRMA, N00L

Cc: Dalzell, Sally

Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed. (I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Yacono, Dominick G CIV CNRMA, N00L[dominick.yacono@navy.mil]  
**Cc:** Kilborn, John[Kilborn.John@epa.gov]; Doster, Kathleen[Doster.Kathleen@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Studlien, Susan[Studlien.Susan@epa.gov]; Klena, Jude T CIV NAVIFOR, N03OGC[jude.klena@navy.mil]; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel[michael.bobrick@navy.mil]; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine[lisa.joy@navy.mil]; Leff, Karin[Leff.Karin@epa.gov]; McFarlane, Waina J CIV NAVSEA, SEA 00L[waina.j.mcfarlane@navy.mil]  
**From:** Dalzell, Sally  
**Sent:** Tue 3/21/2017 3:55:57 PM  
**Subject:** [Non-DoD Source] Re: EPA Proposal: Cutler - Interest Penalty Provision

Thank you, Dominick.

I am glad we could bring this to closure.

Sally Dalzell

Sent from my iPhone

On Mar 21, 2017, at 11:11 AM, Yacono, Dominick G CIV CNRMA, N00L  
<[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)> wrote:

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

If John can provide me with a cleaned-up version of the CAFO sometime this week, I'll start the administrative routing of the CAFO to obtain the signature of the responsible Navy official.

r/ Dominick

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Sent: Monday, March 13, 2017 5:49 PM

To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
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From: Yacono, Dominick G CIV CNRMA, N00L [<mailto:dominick.yacono@navy.mil>]

Sent: Friday, March 10, 2017 11:29 AM

To: Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>

Cc: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Doster, Kathleen  
<[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie

<[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena,

Jude T CIV NAVIFOR, N03OGC <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV

NAVFAC MIDLANT, Counsel <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC  
MIDLANT, PWD Maine <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>

Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

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r/ Dominick

Dominick Yacono

Associate Counsel  
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1550 Gilbert St., Bldg. N-21, Ste. 204  
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Thanks, John

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Senior Enforcement Counsel  
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Tel: 617-918-1893  
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E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Kilborn, John[Kilborn.John@epa.gov]  
**Cc:** Doster, Kathleen[Doster.Kathleen@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Studlien, Susan[Studlien.Susan@epa.gov]; Klena, Jude T CIV NAVIFOR, N03OGC[jude.klena@navy.mil]; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel[michael.bobrick@navy.mil]; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine[lisa.joy@navy.mil]; Leff, Karin[Leff.Karin@epa.gov]  
**From:** Yacono, Dominick G CIV CNRMA, N00L  
**Sent:** Fri 3/17/2017 9:05:40 PM  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision  
[smime.p7s](#)

Sally:

My goal was to provide an answer before the end of the week on the compromise language on the interest penalty provision. Unfortunately, I was too optimistic. I'll keep you posted and will provide feedback on the compromise language as soon I receive word from OSD and the Navy Secretariat. Thanks and have a good weekend.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [mailto:Dalzell.Sally@epa.gov]  
Sent: Monday, March 13, 2017 5:55 PM  
To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
Subject: [Non-DoD Source] RE: EPA Proposal: Cutler - Interest Penalty Provision

We appreciate that, Dominick.

Thank you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
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Washington, D.C. 20004  
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Sent: Monday, March 13, 2017 5:53 PM

To: Dalzell, Sally <Dalzell.Sally@epa.gov>; Kilborn, John <Kilborn.John@epa.gov>

Cc: Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>; Leff, Karin <Leff.Karin@epa.gov>

Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision

Sally: Thank you for the reply and the revised language. Let me circulate the revised text with the goal of providing a response before this coming Friday or earlier if possible.

r/ Dominick

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Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

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r/ Dominick

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Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [mailto:Kilborn.John@epa.gov]  
Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed. (I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: kilborn.john@epa.gov

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]  
**From:** Leff, Karin  
**Sent:** Mon 1/23/2017 2:02:37 PM  
**Subject:** FW: Devens

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

**From:** Starfield, Lawrence  
**Sent:** Monday, January 23, 2017 8:56 AM  
**To:** Leff, Karin <Leff.Karin@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Subject:** FW: Devens

## Ex. 5 - DPP and ACP

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

**From:** Szaro, Deb

**Sent:** Sunday, January 22, 2017 4:46 PM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Cc:** Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>  
**Subject:** Re: Devens

I have a couple points to clarify tomorrow morning and then I will get back to you both.

Sent from my iPhone

On Jan 22, 2017, at 3:12 PM, Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)> wrote:

Just got home. Did you work out any concerns? Let me know if I can be of help.

Larry

Sent from my Windows Phone

---

**From:** [Breen, Barry](#)  
**Sent:** 1/22/2017 1:54 PM  
**To:** [Szaro, Deb](#)  
**Cc:** [Starfield, Lawrence](#)  
**Subject:** Re: Devens

Now works for me. Here is my home number: Ex. 6 - Personal Privacy

On Jan 22, 2017, at 1:29 PM, Szaro, Deb <[Szaro.Deb@epa.gov](mailto:Szaro.Deb@epa.gov)> wrote:

I am free most of this afternoon before our 5:00 pm transition call. Just let me know what time and number to call.

**From:** Breen, Barry  
**Sent:** Sunday, January 22, 2017 12:44 PM  
**To:** Szaro, Deb <[Szaro.Deb@epa.gov](mailto:Szaro.Deb@epa.gov)>  
**Cc:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Subject:** Devens

Thanks Larry and Deb. I do have some unanswered questions. Are either of you free this any time afternoon? Let me know and I can call you.

On Jan 22, 2017, at 11:32 AM, Szaro, Deb <[Szaro.Deb@epa.gov](mailto:Szaro.Deb@epa.gov)> wrote:

Barry, I need to know if you are not OK with this ASAP. Otherwise, we are planning to issue the letter first thing on Monday.

**From:** Starfield, Lawrence  
**Sent:** Friday, January 20, 2017 10:51 AM  
**To:** Szaro, Deb <[Szaro.Deb@epa.gov](mailto:Szaro.Deb@epa.gov)>; Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>  
**Subject:** FW: Please read Fwd: Fort Delsen

PRIVILEGED AND CONFIDENTIAL

Deb and Barry,

**Ex. 5 - DPP and ACP and Ex. 7(a) and (e)**

Thanks.

Larry

Sent from my Windows Phone

---

**From:** [Leff, Karin](#)  
**Sent:** 1/20/2017 9:54 AM  
**To:** [Cozad, David](#); [Starfield, Lawrence](#)  
**Subject:** Please read Fwd: Fort Delsen

**Ex. 5 - DPP and ACP and Ex. 7(a) and (e)**

Sent from my iPhone

Begin forwarded message:

**From:** "Walsh-Rogalski, William" <Walshrogalski.William@epa.gov>  
**Date:** January 20, 2017 at 9:15:24 AM EST  
**To:** "Olson, Bryan" <Olson.Bryan@epa.gov>  
**Cc:** "Leff, Karin" <Leff.Karin@epa.gov>, "Dalzell, Sally" <Dalzell.Sally@epa.gov>, "Loughlin, Anni" <loughlin.anni@epa.gov>, "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>  
**Subject:** Re: Fort Delsen

**Ex. 5 - DPP and ACP and Ex. 7(a) and (e)**

Thanks

Bryan Olson

**Ex. 5 - DPP and ACP and Ex. 7(a) and (e)**

**To:** OECA Office Directors and Deputy Directors[OECA\_Office\_Directors\_and\_Deputy\_Directors@epa.gov]  
**From:** Miles, Erin  
**Sent:** Thur 3/2/2017 1:27:48 PM  
**Subject:** FW: Items for the Weekly Administrator's Report

Just a reminder to please send me this week's accomplishments and upcoming events/hot topics by noon or so today. Thanks.

**From:** Miles, Erin  
**Sent:** Wednesday, February 22, 2017 6:57 AM  
**To:** OECA Office Directors and Deputy Directors  
<OECA\_Office\_Directors\_and\_Deputy\_Directors@epa.gov>  
**Subject:** Items for the Weekly Administrator's Report

ODs and Deputies,

Each Thursday, Larry sends a report to the Administrator's Office on significant upcoming events in OECA, and accomplishments from the current week. We have been collecting the look ahead items at the OD meeting, but I think it would be more efficient to also get these from you via email.

So, each Wednesday I will send a reminder to send me one or two accomplishments (or more!) from the current week, and any look ahead items you may have that you think Larry may want to flag for the Administrator's Office. My recommendation is to err on the side of over-inclusiveness at this point. Also, this process may change now that we have a new Administrator, but no word on that yet.

Please send me your items by noon on Thursday. You should also continue to flag the look ahead items at the OD meeting. Below are examples from prior weeks (I think Larry has been sending these to you).

Thanks!

Erin

## OECA - Notable Items from the Current Week

- [REDACTED] Briefed Justin Schwab on the VW litigation, the Flint MI enforcement order, and time-sensitive Regional cases and criminal cases.
- [REDACTED] The solicitation for the EJ Small Grants program closed on February 10 with 188 applicants. Awards anticipated to be made late summer.
- [REDACTED] EPA Region 10 reached a settlement with the US Air Force for RCRA hazardous waste management, storage, and waste transfer violations at Joint Base Elmendorf-Richardson in Anchorage, Alaska. The Air Force will pay a penalty of \$81,310 and complete a SEP (valued at \$200,000) to replace legacy lighting systems with more efficient LED lighting. The LED lighting will be free of hazardous materials, therefore eliminating a future hazardous waste stream, and it will also conserve 116,864 kw/hr per year of energy, resulting in an environmental benefit from the reduction of NO<sub>x</sub>, CO<sub>2</sub>, and VOC emissions of 16,655 pounds per year.
- [REDACTED] Briefed Justin Schwab on the NEPA, Environmental Justice, and Criminal Enforcement programs, and discussed a process for flagging high profile matters or matters of interest. Also had more in-depth briefings on two case-specific matters in partnership with Regions 8 and 10.
- [REDACTED] Provided a background briefing for the entire Transition Team on the NEPA program.

# Ex. 5 - Deliberative Process

## OECA - Notable Items for the Weeks Ahead

- On Wednesday, February 22, EPA (OITA, OECA/OEJ, OLEM, and OW) will host a visit by the UN Special Rapporteur on the Rights of Indigenous Peoples as part of a visit to gather information on U.S. legislative and institutional actions with respect to energy development projects which affect the rights of indigenous peoples.
- OECA's NEPA Office is initiating a program to provide assistance to other Federal agencies on the NEPA process. The hope is to build a better understanding of each agency's process for environmental reviews under NEPA and to identify efficiencies in those processes. Meetings will begin with FERC in March and with APHIS (the Animal and Plant Health Inspection Service) in April.
- OECA's Office of Environmental Justice (OEJ) will attend a summit next Friday with the Appalachian Regional Commission that will showcase innovative rural economic development projects. OEJ has been working to connect sister federal agencies with OEJ's community level partners in low-income areas like Appalachia that are also suffering from environmental stressors.
- Next week, EPA Region 4, OLEM and OECA's Federal Facilities Enforcement Office will meet with DOE and state representatives in Oak Ridge, TN, to facilitate the cleanup of the Oak Ridge nuclear weapons complex and discuss key areas for action during the year.
- We will provide general briefings for Justin Schwab on OECA's Compliance programs and Superfund Enforcement program.
- We will also provide case-specific briefings for Justin on the VW litigation (and related cases), and several time-sensitive Regional cases.

**To:** Cozad, David[Cozad.David@epa.gov]; OECA Office Directors and Deputy Directors[OECA\_Office\_Directors\_and\_Deputy\_Directors@epa.gov]  
**Cc:** Senn, John[Senn.John@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Fri 2/24/2017 12:13:24 AM  
**Subject:** FW: AO report items - REVISED

FYI, here's my weekly report. Thanks for your help in populating this.

Larry

**From:** Starfield, Lawrence  
**Sent:** Thursday, February 23, 2017 6:42 PM  
**To:** Weekly Report Group (Weekly\_Report\_Group@epa.gov) <Weekly\_Report\_Group@epa.gov>  
**Cc:** Cecil Rodrigues (rodrigues.cecil@epa.gov) <rodrigues.cecil@epa.gov>; Deb Szaro (Szaro.Deb@epa.gov) <Szaro.Deb@epa.gov>; McCabe, Catherine <McCabe.Catherine@epa.gov>  
**Subject:** FW: AO report items - REVISED  
**Importance:** High

#### OECA - Notable Items from the Current Week

- Briefed Justin Schwab on several time-sensitive Regional cases (Kentucky Sanitation District #1 [extension of time to address sanitary sewer overflows]; Centredale Manor Superfund litigation [over failure to comply with EPA cleanup order]; and Lehigh Cement [proposed consent decree to settle CAA violations]), as well as several upcoming criminal matters.
- The U.S. Department of the Navy and EPA Region III have signed a Consent Agreement and Final Order (CAFO) to resolve RCRA and CAA violations at the Washington Navy Yard. The settlement requires the Navy to pay a total penalty of \$84,100.00.
- On February 16, 2017, Maurice Miller was sentenced to serve 28 months of incarceration and pay \$58,051 in restitution for violating RCRA when he dumped approximately 90 drums and containers, some containing naphthalene, a known hazardous waste, onto locations around Savannah, Georgia.

- On Thursday, February 23, OECA's Office of Environmental Justice held the monthly EJ Interagency Working Group meeting. The focus of the meeting was on federal level collaboration on addressing the impacts of lead on health, particularly children's health.

#### OECA - Notable Items for the Weeks Ahead

- **American Chemistry Council.** On Tuesday, February 28, OECA Acting AA Larry Starfield will speak to the Environmental Management Committee of the American Chemistry Council in Washington, DC.

## Ex. 5 - Deliberative Process

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)  
(202) 564-8179 (direct)  
(202) 505-0961 (cell)

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**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]  
**Cc:** Leff, Karin[Leff.Karin@epa.gov]; Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]; Garvey, Melanie[Garvey.Melanie@epa.gov]  
**From:** Folkemer, Nathaniel  
**Sent:** Wed 6/14/2017 3:55:04 PM  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Sally,

I took a shot at reworking the first part (in blue) of the response to this question about Longhorn?

## Ex. 5 - Deliberative Process

**From:** Dalzell, Sally  
**Sent:** Wednesday, June 14, 2017 9:51 AM  
**To:** Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>  
**Cc:** Leff, Karin <Leff.Karin@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>;

Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie  
<Pendleton.Gracie@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Hi, Nate:

## Ex. 5 - Deliberative Process

What do you think?

Sally

-----

-

OECA's Draft Response:

## Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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**From:** Folkemer, Nathaniel

**Sent:** Wednesday, June 14, 2017 9:20 AM

**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

**Cc:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>

**Subject:** FW: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

**Importance:** High

Sally,

Larry is asking for two additions to the proposed responses, see his email below.

I need to send OCIR the final responses by noon today so let me know as soon as you have a revised response.

Thanks,

Nate

**From:** Starfield, Lawrence

**Sent:** Wednesday, June 14, 2017 9:12 AM

**To:** Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>

**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

**Importance:** High

## Ex. 5 - Deliberative Process

Larry

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**From:** Folkemer, Nathaniel  
**Sent:** Tuesday, June 13, 2017 5:03 PM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>  
**Subject:** Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Larry,

## Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

**From:** Janifer, Pamela  
**Sent:** Friday, June 09, 2017 11:02 AM  
**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Mills, Derek <[Mills.Derek@epa.gov](mailto:Mills.Derek@epa.gov)>  
**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>  
**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

Q: How close are these to meeting the obligations under the settlement?

Q: Provide any general background about cleanup of the site.

#### Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**

A handwritten signature in cursive script, appearing to read "Pamela".

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]  
**From:** Garvey, Melanie  
**Sent:** Wed 6/14/2017 1:30:22 PM  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

For Umatilla I think we can say

## Ex. 5 - Deliberative Process

Melanie Garvey

Chemical Engineer

EPA/OECA/FFEO

202-564-2579 (office)



United States Environmental Protection Agency

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**From:** Dalzell, Sally  
**Sent:** Wednesday, June 14, 2017 9:24 AM

**To:** Garvey, Melanie <Garvey.Melanie@epa.gov>

**Subject:** FW: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

**Importance:** High

Look at the below comment from Nate (forwarding Larry).

What do you think?

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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**From:** Folkemer, Nathaniel  
**Sent:** Wednesday, June 14, 2017 9:20 AM  
**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Cc:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>  
**Subject:** FW: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC  
**Importance:** High

Sally,

Larry is asking for two additions to the proposed responses, see his email below.

I need to send OCIR the final responses by noon today so let me know as soon as you have a revised response.

Thanks,

Nate

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**Sent:** Wednesday, June 14, 2017 9:12 AM  
**To:** Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>  
**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC  
**Importance:** High

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Larry

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**Sent:** Tuesday, June 13, 2017 5:03 PM

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**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>

**Subject:** Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Larry,

## Ex. 5 - Deliberative Process

OCIR is asking for our final response by NOON Tomorrow, Wednesday June 14<sup>th</sup>.

Nate

**OECA's Draft Response:**

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

**From:** Janifer, Pamela  
**Sent:** Friday, June 09, 2017 11:02 AM  
**To:** Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>  
**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>  
**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

Q: How close are these to meeting the obligations under the settlement?

Q: Provide any general background about cleanup of the site.

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**Can you turn this around by Tuesday? Thanks**

A handwritten signature in cursive script that reads "Pamela".

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]  
**Cc:** Leff, Karin[Leff.Karin@epa.gov]; Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]  
**From:** Folkemer, Nathaniel  
**Sent:** Wed 6/14/2017 1:19:40 PM  
**Subject:** FW: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Sally,

Larry is asking for two additions to the proposed responses, see his email below.

I need to send OCIR the final responses by noon today so let me know as soon as you have a revised response.

Thanks,

Nate

**From:** Starfield, Lawrence  
**Sent:** Wednesday, June 14, 2017 9:12 AM  
**To:** Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>  
**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC  
**Importance:** High

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Larry

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**From:** Folkemer, Nathaniel

**Sent:** Tuesday, June 13, 2017 5:03 PM

**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>

**Subject:** Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Larry,

## Ex. 5 - Deliberative Process

**OECA's Draft Response:**

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

**From:** Janifer, Pamela

**Sent:** Friday, June 09, 2017 11:02 AM

**To:** Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>

**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>

**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

Q: How close are these to meeting the obligations under the settlement?

Q: Provide any general background about cleanup of the site.

#### Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the

Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**

A handwritten signature in cursive script that reads "Pamela".

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Meece, Debby A[ Ex. 6 - Personal Privacy @va.gov]  
**Cc:** Scott, Marjie[ Ex. 6 - Personal Privacy @va.gov]; DeGrandi, Michelle[Michelle.DeGrandi@va.gov]; Sipes, Gayle[ Ex. 6 - Personal Privacy @va.gov]; Johnson, Joyce-R6[johnson.joyce-r6@epa.gov]; Tidmore, Guy[tidmore.guy@epa.gov]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]; Potts, Mark[Potts.Mark@epa.gov]; Freyre, Dominique[Freyre.Dominique@epa.gov]  
**From:** Azad, Ava  
**Sent:** Thur 6/8/2017 6:53:50 PM  
**Subject:** RE: Central Arkansas Veterans Healthcare System: Potential RCRA violations identified by EPA

SETTLEMENT CONFIDENTIAL COMMUNICATION

Dear Ms. Meece,

**Ex. 5 and Ex. 7(a) - DPP and Enforcement**

Thank you.

Ava Azad

Attorney-Advisor

Federal Facilities Enforcement Office

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW (MC 2261A)

Washington, D.C. 20460

P: (202) 564-4473

F: (202) 501-0069

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**From:** Potts, Mark

**Sent:** Tuesday, May 30, 2017 4:37 PM

**To:** Meece, Debby A <Ex. 6 - Personal Privacy@va.gov>

**Cc:** Scott, Margie <Ex. 6 - Personal Privacy@va.gov>; DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Sipes, Gayle <Ex. 6 - Personal Privacy@va.gov>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>

**Subject:** RE: Central Arkansas Veterans Healthcare System: Potential RCRA violations identified by EPA

Thank you. We will review and get back to you.

**From:** Meece, Debby A [mailto:Ex. 6 - Personal Privacy@va.gov]  
**Sent:** Tuesday, May 30, 2017 1:50 PM  
**To:** Potts, Mark <Potts.Mark@epa.gov>  
**Cc:** Meece, Debby A <Ex. 6 - Personal Privacy@va.gov>; Scott, Margie  
<Ex. 6 - Personal Privacy@va.gov>; DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Sipes, Gayle  
<Ex. 6 - Personal Privacy@va.gov>  
**Subject:** Central Arkansas Veterans Healthcare System: Potential RCRA violations identified by EPA

Mr. Potts,

Central Arkansas Veterans Healthcare System appreciates this opportunity to further respond in writing to the potential RCRA violations identified by EPA.

We appreciate your consideration of the attached information and look forward to your response.

Thank you,

Debby

Debby Meece

Executive Assistant to the Medical Center Director

Central Arkansas Veterans Healthcare System

4300 West 7th Street

Little Rock, AR 72205

Ex. 6 - Personal Privacy

But What About The Patient



**To:** Doster, Kathleen[Doster.Kathleen@epa.gov]  
**Cc:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]  
**From:** Williams, Molly  
**Sent:** Tue 1/31/2017 9:14:44 PM  
**Subject:** RE: IPAC info.

Once they have signed the MIPR – the Navy should be providing a copy to DFAS. DFAS then should initiate the IPAC to EPA, or EPA can then go and ‘pull’ the money from them. We just also need to get their ALC if EPA is going to initiate it. If they can provide a DFAS contact, I would be happy to work with them to make sure the money gets to us.

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**From:** Doster, Kathleen  
**Sent:** Tuesday, January 31, 2017 4:12 PM  
**To:** Williams, Molly <williams.molly@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
**Subject:** RE: IPAC info.

Thanks so much Molly! Once the federal agency signs the MIPR, how does the money get into IPAC?

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

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(202) 564-2573

(202) 564-0644(fax)

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**Sent:** Tuesday, January 31, 2017 3:31 PM

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**Subject:** RE: IPAC info.

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**Subject:** RE: IPAC info.

Thanks so much Molly! Here is how I drafted the IPAC provisions so far –

This provision will go around paragraph (d) as you suggest below:

## Ex. 5 - DPP and ACP

## Ex. 5 - DPP and ACP

Thank you!

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

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**Subject:** RE: IPAC info.

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## Ex. 5 - DPP and ACP

Hope that helps!

Molly

Molly Williams, Supervisor

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**From:** Doster, Kathleen

**Sent:** Tuesday, January 31, 2017 10:59 AM

**To:** Williams, Molly <[williams.molly@epa.gov](mailto:williams.molly@epa.gov)>

**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>

**Subject:** RE: IPAC info.

ATTORNEY-CLIENT PRIVILEGE

ENFORCEMENT CONFIDENTIAL

Hi Molly,

Sally Dalzell forwarded to me your email and I am hoping to give you a call to talk through this.

Here is the standard language we usually use for payment of penalties by a federal agency:

## **Ex. 5 - DPP and ACP**

# **Ex. 5 - DPP and ACP**

Thanks so much for your help on this!

---

Kathleen Doster

Attorney-Advisor

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**From:** Williams, Molly

**Sent:** Tuesday, January 31, 2017 9:13 AM

**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

**Subject:** IPAC info.

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty payment. It can either be ‘pushed’ to EPA...meaning when DFAS goes to process the payment, they can submit through IPAC to EPA (just have them reference the CAFO number in the description), or if they attach an ‘accepted’ MIPR to the CAFO (meaning, it has been obligated), then our staff can go in and ‘pull’ the funds from them. DFAS would still have to process the payment in their system, but it allows the transfer of cash to occur as soon as it is entered in IPAC. If they want to use IPAC, EPA’s Agency Location Code (ALC) is 68-01-0727. If they need additional information regarding IPAC, feel free to pass along my name/number to them.

Let me know if you have any other questions or need anything else!

Thanks,

Molly

Molly Williams, Supervisor

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Cincinnati, OH 45268

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513-487-2063 (fax)

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]  
**From:** Doster, Kathleen  
**Sent:** Tue 1/31/2017 9:12:26 PM  
**Subject:** RE: IPAC info.  
CUTLER CAFO DRAFT 2017 01 19 ffeo edits 1-31-17.docx

Here is some suggested language to propose to Region 1. Changes are highlighted in yellow.  
Paragraphs 44 and 45.

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

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# Ex. 5 - DPP and ACP

Thank you!

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## Ex. 5 - DPP and ACP

Hope that helps!

Molly

Molly Williams, Supervisor

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**Ex. 5 - DPP and ACP**

# **Ex. 5 - DPP and ACP**

# Ex. 5 - DPP and ACP

Thanks so much for your help on this!

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Let me know if you have any other questions or need anything else!

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Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

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Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**To:** Williams, Molly[williams.molly@epa.gov]  
**Cc:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]  
**From:** Doster, Kathleen  
**Sent:** Tue 1/31/2017 9:12:01 PM  
**Subject:** RE: IPAC info.

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---

Kathleen Doster

Attorney-Advisor

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Molly Williams, Supervisor

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ENFORCEMENT CONFIDENTIAL

Hi Molly,

# **Ex. 5 - DPP and ACP**

# **Ex. 5 - DPP and ACP**

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Thanks so much for your help on this!

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Molly

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US EPA/OCFO/OC/CFC/RB

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Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**To:** Craig, Harry[Craig.Harry@epa.gov]; Boyd, Andrew[Boyd.Andrew@epa.gov]  
**Cc:** Doster, Kathleen[Doster.Kathleen@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]  
**From:** Garvey, Melanie  
**Sent:** Tue 6/13/2017 5:58:01 PM  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

FYI. This is what is going to the Hill.

Melanie Garvey

Chemical Engineer

EPA/OECA/FFEO

202-564-2579 (office)



United States Environmental Protection Agency

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**From:** Dalzell, Sally  
**Sent:** Tuesday, June 13, 2017 1:57 PM  
**To:** Garvey, Melanie <Garvey.Melanie@epa.gov>  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

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**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>

**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

## Ex. 5 - Deliberative Process

Sally

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**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

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**Subject:** Response due noon Tue. 6/13: Superfund Penalties for HASC

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I believe you reviewed these two proposals back in April as part of the NDAA legislative proposals # 29 and 30 and said the proposals relate to stipulated penalties. Can you please review the three questions below from the House Armed Services Committee and provide a response by Noon on Tuesday June 13<sup>th</sup>.

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**Sent:** Friday, June 09, 2017 11:02 AM  
**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Mills, Derek <[Mills.Derek@epa.gov](mailto:Mills.Derek@epa.gov)>  
**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>  
**Subject:** Superfund Penalties for HASC

All -

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Q: How close are these to meeting the obligations under the settlement?

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#### Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

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**Can you turn this around by Tuesday? Thanks**

A handwritten signature in cursive script that reads "Pamela".

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]  
**From:** Folkemer, Nathaniel  
**Sent:** Tue 6/13/2017 4:27:11 PM  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

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**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]  
**Cc:** Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]  
**From:** Folkemer, Nathaniel  
**Sent:** Tue 6/13/2017 2:46:16 PM  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

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**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>  
**Subject:** Superfund Penalties for HASC

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Pamela Janifer

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Washington, D.C. 20460

202.564.6969

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Sally,

## Ex. 5 - Deliberative Process

Nate

**From:** Dalzell, Sally  
**Sent:** Monday, June 12, 2017 4:53 PM  
**To:** Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Ingram, Amir <Ingram.Amir@epa.gov>  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Nate:

As requested, we have prepared responses to the questions from the T&I Staff on the stipulated penalties assessed at Longhorn Army Ammo Plant (TX) and Umatilla Army Depot in Oregon.

We developed the below responses with the affected Region.

Please let us know, if you need anything further.

Thanks to Melanie Garvey for helping with Umatilla.

Sally Dalzell

---

## **Ex. 5 - Deliberative Process**

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Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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FFEO,

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**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>  
**Subject:** Superfund Penalties for HASC

All -

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Q: Are these ongoing payments or is this like a onetime payment?

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#### Quick Summaries

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**Can you turn this around by Tuesday? Thanks**

A handwritten signature in cursive script that reads "Pamela".

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Sanchez, Carlos[sanchez.carlos@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]; Malone, George[Malone.George@epa.gov]; Tzhone, Stephen[tzhone.stephen@epa.gov]  
**Cc:** Freyre, Dominique[Freyre.Dominique@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]  
**From:** Mayer, Richard  
**Sent:** Mon 6/12/2017 8:20:05 PM  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

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**From:** Sanchez, Carlos  
**Sent:** Monday, June 12, 2017 3:10 PM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Mayer, Richard <mayer.richard@epa.gov>; Malone, George <Malone.George@epa.gov>; Tzhone, Stephen <tzhone.stephen@epa.gov>  
**Cc:** Freyre, Dominique <Freyre.Dominique@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Sally,

We do not have anything else to add. Please let us know if you need other information for the site.

**Carlos A. Sanchez**

**Chief, Superfund AR/TX Section**

**214-665-8507**

**[Sanchez.carlos@epa.gov](mailto:Sanchez.carlos@epa.gov)**

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**Cc:** Freyre, Dominique <[Freyre.Dominique@epa.gov](mailto:Freyre.Dominique@epa.gov)>; Muller, Marie  
<[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>

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Region 6 Colleagues:

Thank you all for your help!

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**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>

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**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]  
**From:** Freyre, Dominique  
**Sent:** Mon 6/12/2017 8:16:15 PM  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hi Sally,

From Rich.

Thanks!

**From:** Mayer, Richard  
**Sent:** Monday, June 12, 2017 3:57 PM  
**To:** Freyre, Dominique <Freyre.Dominique@epa.gov>  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Nikki, The write-up looks good. Thanks.

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**Cc:** Freyre, Dominique <Freyre.Dominique@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
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Pamela Janifer

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Office of Congressional Affairs

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202.564.6969

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**Cc:** Freyre, Dominique[Freyre.Dominique@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]  
**From:** Sanchez, Carlos  
**Sent:** Mon 6/12/2017 8:09:37 PM  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

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**Carlos A. Sanchez**

**Chief, Superfund AR/TX Section**

**214-665-8507**

**Sanchez.carlos@epa.gov**

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**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>

**Subject:** Response due noon Tue. 6/13: Superfund Penalties for HASC

FFEO,

I believe you reviewed these two proposals back in April as part of the NDAA legislative proposals # 29 and 30 and said the proposals relate to stipulated penalties. Can you please review the three questions below from the House Armed Services Committee and provide a response by Noon on Tuesday June 13<sup>th</sup>.

Nate

**From:** Janifer, Pamela  
**Sent:** Friday, June 09, 2017 11:02 AM  
**To:** Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>  
**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>  
**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

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**Can you turn this around by Tuesday? Thanks**

A handwritten signature in cursive script that reads "Pamela".

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]  
**Cc:** Leff, Karin[Leff.Karin@epa.gov]; Doster, Kathleen[Doster.Kathleen@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Boyd, Andrew[Boyd.Andrew@epa.gov]; Craig, Harry[Craig.Harry@epa.gov]  
**From:** Garvey, Melanie  
**Sent:** Mon 6/12/2017 6:18:48 PM  
**Subject:** Fw: Response due noon Tue. 6/13: Superfund Penalties for HASC

Here are the responses to the questions we got from OCA on the Umatilla stipulated penalty. Thanks go to Harry Craig and Andy Boyd in answering these questions.

*Q: Are these ongoing payments or is this like a onetime payment?*

## **Ex. 5 - Deliberative Process**

*Q: How close are these to meeting the obligations under the settlement?*

## **Ex. 5 - Deliberative Process**

*Q: Provide any general background about cleanup of the site.*

## **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Melanie Garvey

Chemical Engineer

EPA/OECA/FFEO

202-564-2579 (office)

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---

**From:** Craig, Harry

**Sent:** Monday, June 12, 2017 11:55 AM

**To:** Boyd, Andrew

**Cc:** Faulk, Dennis; Garvey, Melanie

**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Andy,

*Here is my draft response in red, let me know if these need to be longer or more detailed. I also attached the last briefing overview FFEO did for the new FFEO Office Director on this issue.*

Harry

## Ex. 5 - Deliberative Process

**From:** Garvey, Melanie

**Sent:** Monday, June 12, 2017 5:37 AM

**To:** Boyd, Andrew <Boyd.Andrew@epa.gov>; Craig, Harry <Craig.Harry@epa.gov>

**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>

**Subject:** Fw: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hi Harry and Andy-

The Office of Congressional Affairs has asked us three questions on Umatilla as it relates to the Congressional authorization to pay the stipulated penalty which are due tomorrow morning (see messages below). Can you provide input on

*Q: How close are these to meeting the obligations under the settlement?*

*Q: Provide any general background about cleanup of the site.*

Melanie Garvey

Chemical Engineer

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---

**From:** Doster, Kathleen

**Sent:** Monday, June 12, 2017 8:25 AM  
**To:** Garvey, Melanie  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hi, let me know if you'd like to talk through this.

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

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**From:** Dalzell, Sally

**Sent:** Friday, June 09, 2017 12:22 PM

**To:** Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>

**Cc:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>

**Subject:** Fwd: Response due noon Tue. 6/13: Superfund Penalties for HASC

Mel:

Would you write a summary of Umatilla? Due Tuesday.

Pls see below.

It is a one-time payment.

They also ask where is Army in complying with the settlement so maybe you and Kathleen can come up with a way to answer that?

Thank you.

Sally

Sent from my iPhone

Begin forwarded message:

**From:** "Leff, Karin" <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>  
**Date:** June 9, 2017 at 11:49:58 AM EDT  
**To:** "Folkemer, Nathaniel" <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>  
**Cc:** "Dalzell, Sally" <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>, "Muller, Marie" <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>, "Pendleton, Gracie" <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>, "Emmerson, Caroline" <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>, "Ingram, Amir" <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>  
**Subject:** Re: Response due noon Tue. 6/13: Superfund Penalties for HASC

Will do

Sent from my iPhone

On Jun 9, 2017, at 11:15 AM, Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)> wrote:

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Committee and provide a response by Noon on Tuesday June 13<sup>th</sup>.

Nate

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**Sent:** Friday, June 09, 2017 11:02 AM

**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Mills, Derek <[Mills.Derek@epa.gov](mailto:Mills.Derek@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>

**Subject:** Superfund Penalties for HASC

All -

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**Can you turn this around by Tuesday? Thanks**

<image002.jpg>

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

<LOG65755-UMATIL\_xml.pdf>

<LOG65756-LONGHORN\_xml.pdf>

**To:** Dalzell, Sally[Dalzell.Sally@epa.gov]; Malone, George[Malone.George@epa.gov]; Sanchez, Carlos[sanchez.carlos@epa.gov]; Tzhone, Stephen[tzhone.stephen@epa.gov]  
**Cc:** Freyre, Dominique[Freyre.Dominique@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]  
**From:** Mayer, Richard  
**Sent:** Mon 6/12/2017 5:57:22 PM  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

## Ex. 5 - Deliberative Process

**From:** Mayer, Richard  
**Sent:** Monday, June 12, 2017 11:19 AM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Malone, George <Malone.George@epa.gov>; Sanchez, Carlos <sanchez.carlos@epa.gov>; Tzhone, Stephen <tzhone.stephen@epa.gov>  
**Cc:** Freyre, Dominique <freyre.dominique@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
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**From:** Dalzell, Sally  
**Sent:** Monday, June 12, 2017 11:00 AM  
**To:** Malone, George <Malone.George@epa.gov>; Sanchez, Carlos <sanchez.carlos@epa.gov>; Mayer, Richard <mayer.richard@epa.gov>; Tzhone, Stephen <tzhone.stephen@epa.gov>  
**Cc:** Freyre, Dominique <Freyre.Dominique@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
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Federal Facilities Enforcement Office, 2261A

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Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Mayer, Richard[mayer.richard@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]; Malone, George[Malone.George@epa.gov]; Sanchez, Carlos[sanchez.carlos@epa.gov]  
**Cc:** Freyre, Dominique[Freyre.Dominique@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]  
**From:** Tzhone, Stephen  
**Sent:** Mon 6/12/2017 5:34:40 PM  
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**Sent:** Mon 6/12/2017 4:19:17 PM  
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This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a

Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**

A handwritten signature in cursive script that reads "Pamela".

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Michaud, John[Michaud.John@epa.gov]; Prout, Susan[prout.susan@epa.gov]; Guerriero, Margaret[guerriero.margaret@epa.gov]; DiCosmo, Nefertiti[dicosmo.nefertiti@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]  
**Cc:** McEaddy, Monica[McEaddy.Monica@epa.gov]; Barounis, Thomas[barounis.thomas@epa.gov]; Kyte, Larry[kyte.larry@epa.gov]; Boone, Denise[boone.denise@epa.gov]; Bruce, Donald[bruce.donald@epa.gov]; Short, Thomas[short.thomas@epa.gov]  
**From:** Treimel, Ellen  
**Sent:** Thur 6/22/2017 3:53:38 PM  
**Subject:** RE: TCAAP FOSET Meeting Notes  
[TCAAP FOSET Meeting Notes 6-22-2017.docx](#)

Hi everyone,

One correction on the attendance list. Denise's correct last name is Boone. I apologize for not double checking proper name spellings.

Corrected notes attached, and correction below.

Ellen Treimel

Federal Facilities Restoration and Reuse Office (FFRRO)

RRB 71186

202-564-0557 (w)

703-667-0553 (c)

**From:** Treimel, Ellen  
**Sent:** Thursday, June 22, 2017 10:10 AM  
**To:** Charlotte Bertrand (Bertrand.Charlotte@epa.gov) <Bertrand.Charlotte@epa.gov>; Leff,

Karin <Leff.Karin@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Prout, Susan <prout.susan@epa.gov>; Guerriero, Margaret <guerriero.margaret@epa.gov>; DiCosmo, Nefertiti <dicosmo.nefertiti@epa.gov>; Sally Dalzell <Dalzell.Sally@epa.gov>

**Cc:** McEaddy, Monica <McEaddy.Monica@epa.gov>; Barounis, Thomas <barounis.thomas@epa.gov>; Kyte, Larry <kyte.larry@epa.gov>; Boone, Denise <boone.denise@epa.gov>; Bruce, Donald <bruce.donald@epa.gov>; Short, Thomas <short.thomas@epa.gov>

**Subject:** TCAAP FOSET Meeting Notes

Hi everyone,

Thank you for taking the time to meet this morning and discuss the TCAAP FOSET. Notes on the meeting are below, and are also attached if you prefer to save notes in Word.

TCAAP FOSET CALL

On call:

Charlotte Bertrand (FFRRO)

Ellen Treimel (FFRRO)

Tom Barounis (R5)

Don Bruce (R5)

Denise ~~Spøen~~ Boone (R5)

John Michaud (OGC)

Sue Prout (R5)

Sally Dalzell (FFEO)

Kathleen Doster (FFEO)

Nefertiti DiCosmo (R5)

# **Ex. 5 - DPP and ACP**

# **Ex. 5 - DPP and ACP**

Please let me know if I missed anything! Thanks!

Ellen Treimel

Federal Facilities Restoration and Reuse Office (FFRRO)

RRB 71186

202-564-0557 (w)

703-667-0553 (c)

TCAAP FOSET

On call:

Charlotte Bertrand (FFRRO)

Ellen Treimel (FFRRO)

Tom Barounis (R5)

Don Bruce (R5)

Denise Boone (R5)

John Michaud (OGC)

Sue Prout (R5)

Sally Dalzell (FFEO)

Kathleen Doster (FFEO)

Nefertiti DiCosmo (R5)

# **Ex. 5 - DPP and ACP**

# **Ex. 5 - DPP and ACP**

**To:** OECA Office Directors and Deputy  
Directors[OECA\_Office\_Directors\_and\_Deputy\_Directors@epa.gov]  
**From:** Miles, Erin  
**Sent:** Wed 2/22/2017 11:56:56 AM  
**Subject:** Items for the Weekly Administrator's Report

ODs and Deputies,

Each Thursday, Larry sends a report to the Administrator's Office on significant upcoming events in OECA, and accomplishments from the current week. We have been collecting the look ahead items at the OD meeting, but I think it would be more efficient to also get these from you via email.

So, each Wednesday I will send a reminder to send me one or two accomplishments (or more!) from the current week, and any look ahead items you may have that you think Larry may want to flag for the Administrator's Office. My recommendation is to err on the side of over-inclusiveness at this point. Also, this process may change now that we have a new Administrator, but no word on that yet.

Please send me your items by noon on Thursday. You should also continue to flag the look ahead items at the OD meeting. Below are examples from prior weeks (I think Larry has been sending these to you).

Thanks!

Erin

#### **OECA - Notable Items from the Current Week**

- Briefed Justin Schwab on the VW litigation, the Flint MI enforcement order, and time-sensitive Regional cases and criminal cases.

- The solicitation for the EJ Small Grants program closed on February 10 with 188 applicants. Awards anticipated to be made late summer.
- EPA Region 10 reached a settlement with the US Air Force for RCRA hazardous waste management, storage, and waste transfer violations at Joint Base Elmendorf-Richardson in Anchorage, Alaska. The Air Force will pay a penalty of \$81,310 and complete a SEP (valued at \$200,000) to replace legacy lighting systems with more efficient LED lighting. The LED lighting will be free of hazardous materials, therefore eliminating a future hazardous waste stream, and it will also conserve 116,864 kw/hr per year of energy, resulting in an environmental benefit from the reduction of NOx, CO<sub>2</sub>, and VOC emissions of 16,655 pounds per year.
- Briefed Justin Schwab on the NEPA, Environmental Justice, and Criminal Enforcement programs, and discussed a process for flagging high profile matters or matters of interest. Also had more in-depth briefings on two case-specific matters in partnership with Regions 8 and 10.
- Provided a background briefing for the entire Transition Team on the NEPA program.

## Ex. 5 - Deliberative Process

### OECA - Notable Items for the Weeks Ahead

- On Wednesday, February 22, EPA (OITA, OECA/OEJ, OLEM, and OW) will host a visit by the UN Special Rapporteur on the Rights of Indigenous Peoples as part of a visit to gather information on U.S. legislative and institutional actions with respect to energy development projects which affect the rights of indigenous peoples.
- OECA's NEPA Office is initiating a program to provide assistance to other Federal agencies on the NEPA process. The hope is to build a better understanding of each agency's process for environmental reviews under NEPA and to identify efficiencies in those processes. Meetings will begin with FERC in March and with APHIS (the Animal and Plant Health Inspection Service) in April.
- OECA's Office of Environmental Justice (OEJ) will attend a summit next Friday with the Appalachian Regional Commission that will showcase innovative rural economic development projects. OEJ has been working to connect sister federal agencies with OEJ's

community level partners in low-income areas like Appalachia that are also suffering from environmental stressors.

- Next week, EPA Region 4, OLEM and OECA's Federal Facilities Enforcement Office will meet with DOE and state representatives in Oak Ridge, TN, to facilitate the cleanup of the Oak Ridge nuclear weapons complex and discuss key areas for action during the year.
- We will provide general briefings for Justin Schwab on OECA's Compliance programs and Superfund Enforcement program.
- We will also provide case-specific briefings for Justin on the VW litigation (and related cases), and several time-sensitive Regional cases.

**To:** Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Michaud, John[Michaud.John@epa.gov]; Prout, Susan[prout.susan@epa.gov]; Guerriero, Margaret[guerriero.margaret@epa.gov]; DiCosmo, Nefertiti[dicosmo.nefertiti@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]  
**Cc:** McEaddy, Monica[McEaddy.Monica@epa.gov]; Barounis, Thomas[barounis.thomas@epa.gov]; Kyte, Larry[kyte.larry@epa.gov]; Boone, Denise[boone.denise@epa.gov]; Bruce, Donald[bruce.donald@epa.gov]; Short, Thomas[short.thomas@epa.gov]  
**From:** Treimel, Ellen  
**Sent:** Thur 6/22/2017 2:10:00 PM  
**Subject:** TCAAP FOSET Meeting Notes  
[TCAAP FOSET Meeting Notes 6-22-2017.docx](#)

Hi everyone,

Thank you for taking the time to meet this morning and discuss the TCAAP FOSET. Notes on the meeting are below, and are also attached if you prefer to save notes in Word.

#### TCAAP FOSET CALL

On call:

Charlotte Bertrand (FFRRO)

Ellen Treimel (FFRRO)

Tom Barounis (R5)

Don Bruce (R5)

Denise Spoon (R5)

John Michaud (OGC)

Sue Prout (R5)

Sally Dalzell (FFEO)

Kathleen Doster (FFEO)

Nefertiti DiCosmo (R5)

# **Ex. 5 - DPP and ACP**

# **Ex. 5 - DPP and ACP**

Please let me know if I missed anything! Thanks!

Ellen Treimel

Federal Facilities Restoration and Reuse Office (FFRRO)

RRB 71186

202-564-0557 (w)

703-667-0553 (c)

**To:** Leff, Karin[Leff.Karin@epa.gov]; Garvey, Melanie[Garvey.Melanie@epa.gov]  
**Cc:** Doster, Kathleen[Doster.Kathleen@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]  
**From:** Dalzell, Sally  
**Sent:** Mon 5/15/2017 5:41:01 PM  
**Subject:** RE: Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

**From:** Leff, Karin

**Sent:** Monday, May 15, 2017 1:31 PM

**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>

**Cc:** Doster, Kathleen <Doster.Kathleen@epa.gov>; Muller, Marie  
<MULLER.MARIE@EPA.GOV>

**Subject:** RE: Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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**From:** Dalzell, Sally

**Sent:** Monday, May 15, 2017 1:04 PM

**To:** Garvey, Melanie <Garvey.Melanie@epa.gov>

**Cc:** Doster, Kathleen <Doster.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>

**Subject:** RE: Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

Wow, I totally forgot about that exchange.

Thank you, Melanie.

So good to know.

## **Ex. 5 - DPP, ACP, and AWP**

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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**From:** Garvey, Melanie

**Sent:** Monday, May 15, 2017 12:57 PM

**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

**Cc:** Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>

**Subject:** Fw: Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

Melanie Garvey

Chemical Engineer

EPA/OECA/FFEO

202-564-2579 (office)

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---

**From:** Garvey, Melanie  
**Sent:** Monday, April 11, 2016 5:28 AM  
**To:** Dalzell, Sally; Doster, Kathleen  
**Subject:** Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

## **Ex. 5 - DPP, ACP, and AWP**

Melanie Garvey

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Dalzell, Sally  
**Sent:** Thursday, April 7, 2016 10:24 AM  
**To:** Doster, Kathleen  
**Cc:** Garvey, Melanie  
**Subject:** RE: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

## **Ex. 5 - DPP, ACP, and AWP**

Sally

Sally M. Dalzell, Acting Director  
Site Remediation and Enforcement Staff  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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-----Original Message-----

From: Doster, Kathleen

Sent: Thursday, April 07, 2016 10:17 AM

To: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

Cc: Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>

Subject: RE: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT  
CONFIDENTIAL

# **Ex. 5 - DPP, ACP, and AWP**

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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applicable law. If you are not the intended recipient, or received this communication in error, please delete the copy you received, and do not disseminate, distribute, or otherwise use the information in this communication.

-----Original Message-----

From: Doster, Kathleen

Sent: Thursday, April 07, 2016 9:02 AM

To: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

Cc: Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>

Subject: FW: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT  
CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

NOTICE: This communication may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient, or received this communication in error, please delete the copy you received, and do not disseminate, distribute, or otherwise use the information in this communication.

-----Original Message-----

From: Boyd, Andrew

Sent: Wednesday, April 06, 2016 5:11 PM

To: Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Faulk, Dennis <[Faulk.Dennis@epa.gov](mailto:Faulk.Dennis@epa.gov)>

Cc: Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Williams, Cheryl B. <[Williams.CherylB@epa.gov](mailto:Williams.CherylB@epa.gov)>; Palumbo, Janice <[Palumbo.Jan@epa.gov](mailto:Palumbo.Jan@epa.gov)>

Subject: RE: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT  
CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

# Ex. 5 - DPP, ACP, and AWP

Andy

Andrew Boyd  
U.S. EPA, Region 10  
Tel: (206) 553-1222  
[boyd.andrew@epa.gov](mailto:boyd.andrew@epa.gov)  
SENSITIVE COMMUNICATION INTENDED ONLY  
FOR USE OF RECIPIENTS NAMED ABOVE

-----Original Message-----

From: Craig, Harry  
Sent: Tuesday, March 29, 2016 1:15 PM  
To: Faulk, Dennis <[Faulk.Dennis@epa.gov](mailto:Faulk.Dennis@epa.gov)>; Boyd, Andrew <[Boyd.Andrew@epa.gov](mailto:Boyd.Andrew@epa.gov)>  
Cc: Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Williams, Cheryl B. <[Williams.CherylB@epa.gov](mailto:Williams.CherylB@epa.gov)>; Palumbo, Janice <[Palumbo.Jan@epa.gov](mailto:Palumbo.Jan@epa.gov)>  
Subject: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

Dennis, Andy,

# Ex. 5 - DPP, ACP, and AWP

Harry

-----Original Message-----

From: Martin, Michele M CIV USARMY HQDA ACSIM (US) [<mailto:michele.m.martin12.civ@mail.mil>]  
Sent: Tuesday, March 29, 2016 11:20 AM

To: Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>  
Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>  
Subject: RE: ADA PWS & schedule

Here you go...

Dave had some comments to letter for Tom to sign. I'm trying to get it back out tonight.

Michele Martin  
BRAC Office, Umatilla Chemical Depot  
78798 Ordnance Road Bldg 32  
Hermiston, OR 97838-9544  
Phone: 541-564-5325

-----Original Message-----

From: Craig, Harry [<mailto:Craig.Harry@epa.gov>]  
Sent: Tuesday, March 29, 2016 10:18 AM  
To: Martin, Michele M CIV USARMY HQDA ACSIM (US) <[michele.m.martin12.civ@mail.mil](mailto:michele.m.martin12.civ@mail.mil)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>  
Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>  
Subject: [Non-DoD Source] RE: ADA PWS & schedule

Michele,

We also need submission dates from the Army on the draft and draft final Remedial Action Completion Reports (RACR).

Harry

-----Original Message-----

From: Martin, Michele M CIV USARMY HQDA ACSIM (US) [<mailto:michele.m.martin12.civ@mail.mil>]  
Sent: Monday, March 28, 2016 12:35 PM  
To: Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>  
Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>  
Subject: RE: ADA PWS & schedule

All,

Here's the revised schedule with the work plan dates.

I need to revise the letter, so, no it hasn't gone out, yet.

Michele Martin  
BRAC Office, Umatilla Chemical Depot  
78798 Ordnance Road Bldg 32  
Hermiston, OR 97838-9544  
Phone: 541-564-5325

-----Original Message-----

From: Martin, Michele M CIV USARMY HQDA ACSIM (US)

Sent: Monday, March 28, 2016 7:33 AM

To: 'Craig, Harry' <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>

Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>

Subject: RE: ADA PWS & schedule

Hi Harry,

Sorry, I was out all last week. I sent the schedule back to Adam to add the draft dates.

Thanks,

Michele Martin  
BRAC Office, Umatilla Chemical Depot  
78798 Ordnance Road Bldg 32  
Hermiston, OR 97838-9544  
Phone: 541-564-5325

-----Original Message-----

From: Craig, Harry [<mailto:Craig.Harry@epa.gov>]

Sent: Thursday, March 24, 2016 5:43 PM

To: Martin, Michele M CIV USARMY HQDA ACSIM (US) <[michele.m.martin12.civ@mail.mil](mailto:michele.m.martin12.civ@mail.mil)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>

Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>

Subject: [Non-DoD Source] RE: ADA PWS & schedule

Michele,

We need dates in this schedule of when the Army will submit the draft and draft final RD/RA Workplans to EPA and DEQ. Has Tom sent the letter out on this yet?

Harry

-----Original Message-----

From: Martin, Michele M CIV USARMY HQDA ACSIM (US) [<mailto:michele.m.martin12.civ@mail.mil>]

Sent: Wednesday, March 09, 2016 10:13 AM

To: Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>

Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>

Subject: ADA PWS & schedule

Hi All,

## Ex. 5 - Deliberative Process

Michele Martin

BRAC Office, Umatilla Chemical Depot  
78798 Ordnance Road Bldg 32  
Hermiston, OR 97838-9544  
Phone: 541-564-5325

**To:** Garvey, Melanie[Garvey.Melanie@epa.gov]  
**Cc:** Doster, Kathleen[Doster.Kathleen@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]  
**From:** Dalzell, Sally  
**Sent:** Mon 5/15/2017 5:04:14 PM  
**Subject:** RE: Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

Wow, I totally forgot about that exchange.

Thank you, Melanie.

So good to know.

## **Ex. 5 - DPP, ACP, and AWP**

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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**From:** Garvey, Melanie

**Sent:** Monday, May 15, 2017 12:57 PM

**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>

**Cc:** Doster, Kathleen <Doster.Kathleen@epa.gov>

**Subject:** Fw: Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

Melanie Garvey

Chemical Engineer

EPA/OECA/FFEO

202-564-2579 (office)

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---

**From:** Garvey, Melanie  
**Sent:** Monday, April 11, 2016 5:28 AM  
**To:** Dalzell, Sally; Doster, Kathleen  
**Subject:** Special Account at Jackson Park: Re: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

## **Ex. 5 - DPP, ACP, and AWP**

Melanie Garvey

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Dalzell, Sally  
**Sent:** Thursday, April 7, 2016 10:24 AM  
**To:** Doster, Kathleen  
**Cc:** Garvey, Melanie  
**Subject:** RE: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

## **Ex. 5 - DPP, ACP, and AWP**

Sally

Sally M. Dalzell, Acting Director  
Site Remediation and Enforcement Staff  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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-----Original Message-----

From: Doster, Kathleen

Sent: Thursday, April 07, 2016 10:17 AM

To: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

Cc: Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>

Subject: RE: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT  
CONFIDENTIAL

# Ex. 5 - DPP, ACP, and AWP

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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applicable law. If you are not the intended recipient, or received this communication in error, please delete the copy you received, and do not disseminate, distribute, or otherwise use the information in this communication.

-----Original Message-----

From: Doster, Kathleen

Sent: Thursday, April 07, 2016 9:02 AM

To: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

Cc: Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>

Subject: FW: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT  
CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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-----Original Message-----

From: Boyd, Andrew

Sent: Wednesday, April 06, 2016 5:11 PM

To: Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Faulk, Dennis <[Faulk.Dennis@epa.gov](mailto:Faulk.Dennis@epa.gov)>

Cc: Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Williams, Cheryl B. <[Williams.CherylB@epa.gov](mailto:Williams.CherylB@epa.gov)>; Palumbo, Janice <[Palumbo.Jan@epa.gov](mailto:Palumbo.Jan@epa.gov)>

Subject: RE: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT  
CONFIDENTIAL

## Ex. 5 - DPP, ACP, and AWP

# Ex. 5 - DPP, ACP, and AWP

Andy

Andrew Boyd  
U.S. EPA, Region 10  
Tel: (206) 553-1222  
[boyd.andrew@epa.gov](mailto:boyd.andrew@epa.gov)  
SENSITIVE COMMUNICATION INTENDED ONLY  
FOR USE OF RECIPIENTS NAMED ABOVE

-----Original Message-----

From: Craig, Harry  
Sent: Tuesday, March 29, 2016 1:15 PM  
To: Faulk, Dennis <[Faulk.Dennis@epa.gov](mailto:Faulk.Dennis@epa.gov)>; Boyd, Andrew <[Boyd.Andrew@epa.gov](mailto:Boyd.Andrew@epa.gov)>  
Cc: Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Williams, Cheryl B. <[Williams.CherylB@epa.gov](mailto:Williams.CherylB@epa.gov)>; Palumbo, Janice <[Palumbo.Jan@epa.gov](mailto:Palumbo.Jan@epa.gov)>  
Subject: Umatilla ADA Revised Schedule and Draft Settlement Agreement -ENFORCEMENT CONFIDENTIAL

Dennis, Andy,

# Ex. 5 - DPP, ACP, and AWP

Harry

-----Original Message-----

From: Martin, Michele M CIV USARMY HQDA ACSIM (US) [<mailto:michele.m.martin12.civ@mail.mil>]  
Sent: Tuesday, March 29, 2016 11:20 AM

To: Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>  
Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>  
Subject: RE: ADA PWS & schedule

Here you go...

Dave had some comments to letter for Tom to sign. I'm trying to get it back out tonight.

Michele Martin  
BRAC Office, Umatilla Chemical Depot  
78798 Ordnance Road Bldg 32  
Hermiston, OR 97838-9544  
Phone: 541-564-5325

-----Original Message-----

From: Craig, Harry [<mailto:Craig.Harry@epa.gov>]  
Sent: Tuesday, March 29, 2016 10:18 AM  
To: Martin, Michele M CIV USARMY HQDA ACSIM (US) <[michele.m.martin12.civ@mail.mil](mailto:michele.m.martin12.civ@mail.mil)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>  
Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>  
Subject: [Non-DoD Source] RE: ADA PWS & schedule

Michele,

We also need submission dates from the Army on the draft and draft final Remedial Action Completion Reports (RACR).

Harry

-----Original Message-----

From: Martin, Michele M CIV USARMY HQDA ACSIM (US) [<mailto:michele.m.martin12.civ@mail.mil>]  
Sent: Monday, March 28, 2016 12:35 PM  
To: Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>  
Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>  
Subject: RE: ADA PWS & schedule

All,

Here's the revised schedule with the work plan dates.

I need to revise the letter, so, no it hasn't gone out, yet.

Michele Martin  
BRAC Office, Umatilla Chemical Depot  
78798 Ordnance Road Bldg 32  
Hermiston, OR 97838-9544  
Phone: 541-564-5325

-----Original Message-----

From: Martin, Michele M CIV USARMY HQDA ACSIM (US)

Sent: Monday, March 28, 2016 7:33 AM

To: 'Craig, Harry' <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>

Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>

Subject: RE: ADA PWS & schedule

Hi Harry,

Sorry, I was out all last week. I sent the schedule back to Adam to add the draft dates.

Thanks,

Michele Martin  
BRAC Office, Umatilla Chemical Depot  
78798 Ordnance Road Bldg 32  
Hermiston, OR 97838-9544  
Phone: 541-564-5325

-----Original Message-----

From: Craig, Harry [<mailto:Craig.Harry@epa.gov>]

Sent: Thursday, March 24, 2016 5:43 PM

To: Martin, Michele M CIV USARMY HQDA ACSIM (US) <[michele.m.martin12.civ@mail.mil](mailto:michele.m.martin12.civ@mail.mil)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>

Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>

Subject: [Non-DoD Source] RE: ADA PWS & schedule

Michele,

We need dates in this schedule of when the Army will submit the draft and draft final RD/RA Workplans to EPA and DEQ. Has Tom sent the letter out on this yet?

Harry

-----Original Message-----

From: Martin, Michele M CIV USARMY HQDA ACSIM (US) [<mailto:michele.m.martin12.civ@mail.mil>]

Sent: Wednesday, March 09, 2016 10:13 AM

To: Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Boateng, Kwasi <[Boateng.Kwasi@epa.gov](mailto:Boateng.Kwasi@epa.gov)>; ANDERSON David <[ANDERSON.David@deq.state.or.us](mailto:ANDERSON.David@deq.state.or.us)>; DUSO Dan <[DUSO.Dan@deq.state.or.us](mailto:DUSO.Dan@deq.state.or.us)>

Cc: Jones, Carolyn A CIV USARMY HQDA ACSIM (US) <[carolyn.a.jones28.civ@mail.mil](mailto:carolyn.a.jones28.civ@mail.mil)>

Subject: ADA PWS & schedule

Hi All,

## Ex. 5 - Deliberative Process

Michele Martin

BRAC Office, Umatilla Chemical Depot  
78798 Ordnance Road Bldg 32  
Hermiston, OR 97838-9544  
Phone: 541-564-5325

**To:** Leff, Karin[Leff.Karin@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Fri 3/17/2017 9:55:21 PM  
**Subject:** Fwd: EPA Proposal: Cutler - Interest Penalty Provision

Sent from my iPhone

Begin forwarded message:

**From:** "Dalzell, Sally" <Dalzell.Sally@epa.gov>  
**Date:** March 17, 2017 at 5:54:57 PM EDT  
**To:** "Yacono, Dominick G CIV CNRMA, N00L" <dominick.yacono@navy.mil>  
**Cc:** "Kilborn, John" <Kilborn.John@epa.gov>, "Doster, Kathleen" <Doster.Kathleen@epa.gov>, "Dixon, Chelsea" <Dixon.Chelsea@epa.gov>, "Muller, Marie" <MULLER.MARIE@EPA.GOV>, "Studlien, Susan" <Studlien.Susan@epa.gov>, "Klena, Jude T CIV NAVIFOR, N03OGC" <jude.klena@navy.mil>, "Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel" <michael.bobrick@navy.mil>, "Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine" <lisa.joy@navy.mil>, "Leff, Karin" <Leff.Karin@epa.gov>  
**Subject: Re: EPA Proposal: Cutler - Interest Penalty Provision**

Dominick:

We appreciate the update.

Sometimes that's the way it goes.

We would like to hear soon, though.

Have a good week-end.

Sally

Sent from my iPhone

On Mar 17, 2017, at 5:05 PM, Yacono, Dominick G CIV CNRMA, N00L <dominick.yacono@navy.mil> wrote:

Sally:

My goal was to provide an answer before the end of the week on the compromise language on the interest penalty provision. Unfortunately, I was too optimistic. I'll keep you posted and will provide feedback on the compromise language as soon I

receive word from OSD and the Navy Secretariat. Thanks and have a good weekend.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [<mailto:Dalzell.Sally@epa.gov>]  
Sent: Monday, March 13, 2017 5:55 PM  
To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
Subject: [Non-DoD Source] RE: EPA Proposal: Cutler - Interest Penalty Provision

We appreciate that, Dominick.

Thank you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L

[mailto:dominick.yacono@navy.mil]

Sent: Monday, March 13, 2017 5:53 PM

To: Dalzell, Sally <Dalzell.Sally@epa.gov>; Kilborn, John <Kilborn.John@epa.gov>

Cc: Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea

<Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>;

Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC

<jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel

<michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine

<lisa.joy@navy.mil>; Leff, Karin <Leff.Karin@epa.gov>

Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision

Sally:

Thank you for the reply and the revised language. Let me circulate the revised text with the goal of providing a response before this coming Friday or earlier if possible.

r/ Dominick

Dominick Yacono

Associate Counsel

Navy Region Mid-Atlantic, Office of the General Counsel

1550 Gilbert St., Bldg. N-21, Ste. 204

Norfolk, VA 23511

Phone: 757-444-1395

Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [mailto:Dalzell.Sally@epa.gov]

Sent: Monday, March 13, 2017 5:49 PM

To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John

Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel;

Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin

Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10. <sup>12</sup>

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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of the message.

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L  
[mailto:[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)]  
Sent: Friday, March 10, 2017 11:29 AM  
To: Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>  
Cc: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Doster, Kathleen  
<[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller,

Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan  
<Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC  
<jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel  
<michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine  
<lisa.joy@navy.mil>  
Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

## Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]

Sent: Monday, March 06, 2017 10:00 AM

To: Yacono, Dominick G CIV CNRMA, N00L

Cc: Dalzell, Sally

Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed. (I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn

Senior Enforcement Counsel

U.S. Environmental Protection Agency

Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893

Fax: 617-918-0893

E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Yacono, Dominick G CIV CNRMA, N00L[dominick.yacono@navy.mil]  
**Cc:** Kilborn, John[Kilborn.John@epa.gov]; Doster, Kathleen[Doster.Kathleen@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Studlien, Susan[Studlien.Susan@epa.gov]; Klena, Jude T CIV NAVIFOR, N03OGC[jude.klena@navy.mil]; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel[michael.bobrick@navy.mil]; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine[lisa.joy@navy.mil]; Leff, Karin[Leff.Karin@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Fri 3/17/2017 9:54:57 PM  
**Subject:** Re: EPA Proposal: Cutler - Interest Penalty Provision

Dominick:

We appreciate the update.

Sometimes that's the way it goes.

We would like to hear soon, though.

Have a good week-end.

Sally

Sent from my iPhone

On Mar 17, 2017, at 5:05 PM, Yacono, Dominick G CIV CNRMA, N00L  
<[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)> wrote:

Sally:

My goal was to provide an answer before the end of the week on the compromise language on the interest penalty provision. Unfortunately, I was too optimistic. I'll keep you posted and will provide feedback on the compromise language as soon I receive word from OSD and the Navy Secretariat. Thanks and have a good weekend.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [<mailto:Dalzell.Sally@epa.gov>]

Sent: Monday, March 13, 2017 5:55 PM

To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John

Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin

Subject: [Non-DoD Source] RE: EPA Proposal: Cutler - Interest Penalty Provision

We appreciate that, Dominick.

Thank you.

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [<mailto:dominick.yacono@navy.mil>]

Sent: Monday, March 13, 2017 5:53 PM

To: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>

Cc: Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena, Jude T CIV NAVIFOR, N03OGC

<[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>

Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision

Sally:

Thank you for the reply and the revised language. Let me circulate the revised text with

the goal of providing a response before this coming Friday or earlier if possible.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [<mailto:Dalzell.Sally@epa.gov>]  
Sent: Monday, March 13, 2017 5:49 PM  
To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10.

## Ex. 5 - Deliberative Process

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [<mailto:dominick.yacono@navy.mil>]  
Sent: Friday, March 10, 2017 11:29 AM  
To: Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>  
Cc: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena, Jude T CIV NAVIFOR, N03OGC <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>  
Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]  
Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed.  
(I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Folkemer, Nathaniel[Folkemer.Nathaniel@epa.gov]  
**Cc:** Leff, Karin[Leff.Karin@epa.gov]; Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]; Garvey, Melanie[Garvey.Melanie@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Wed 6/14/2017 5:32:22 PM  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Nate:

Try this please. ☺

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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**From:** Dalzell, Sally  
**Sent:** Wednesday, June 14, 2017 12:19 PM  
**To:** Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>  
**Cc:** Leff, Karin <Leff.Karin@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Nate:

Please see below.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
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**From:** Folkemer, Nathaniel

**Sent:** Wednesday, June 14, 2017 11:55 AM

**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>

**Cc:** Leff, Karin <Leff.Karin@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>;

Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie

<Pendleton.Gracie@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>

**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Sally,

I took a shot at reworking the first part (in blue) of the response to this question about Longhorn?

## **Ex. 5 - Deliberative Process**

Nate

## **Ex. 5 - Deliberative Process**

**From:** Dalzell, Sally  
**Sent:** Wednesday, June 14, 2017 9:51 AM  
**To:** Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>  
**Cc:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>; Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Hi, Nate:

## Ex. 5 - Deliberative Process

What do you think?

Sally

-----

-

**OECA's Draft Response:**

-

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**



Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
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**From:** Folkemer, Nathaniel  
**Sent:** Wednesday, June 14, 2017 9:20 AM  
**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Cc:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>  
**Subject:** FW: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC  
**Importance:** High

Sally,

Larry is asking for two additions to the proposed responses, see his email below.

I need to send OCIR the final responses by noon today so let me know as soon as you have a revised response.

Thanks,

Nate

**From:** Starfield, Lawrence

**Sent:** Wednesday, June 14, 2017 9:12 AM

**To:** Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>

**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

**Importance:** High

## Ex. 5 - Deliberative Process

Larry

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**From:** Folkemer, Nathaniel

**Sent:** Tuesday, June 13, 2017 5:03 PM

**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>

**Subject:** Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Larry,

## Ex. 5 - Deliberative Process

OCIR is asking for our final response by NOON Tomorrow, Wednesday June 14<sup>th</sup>.

Nate

### OECA's Draft Response:

-

**Longhorn Army Ammunition Plant**

# **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

**From:** Janifer, Pamela

**Sent:** Friday, June 09, 2017 11:02 AM

**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel  
<[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Mills, Derek <[Mills.Derek@epa.gov](mailto:Mills.Derek@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>

**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

Q: How close are these to meeting the obligations under the settlement?

Q: Provide any general background about cleanup of the site.

#### Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**

A handwritten signature in cursive script that reads "Pamela". The signature is dark and appears to be on a light-colored background.

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

Message

---

**From:** Dalzell, Sally [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E29F0DA5E0FC481FA287A2E5503F8D97-SDALZELL]  
**Sent:** 6/14/2017 3:53:38 PM  
**To:** Folkemer, Nathaniel [Folkemer.Nathaniel@epa.gov]  
**CC:** Leff, Karin [Leff.Karin@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Nate:

I re-wrote the paragraph. Please see below.

Still too long?

I am sorry for being abrupt earlier.

I know you are just trying to make sure EPA does what it's supposed by being responsive to Congress as is our duty.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
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---

**From:** Dalzell, Sally  
**Sent:** Wednesday, June 14, 2017 9:51 AM  
**To:** Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>  
**Cc:** Leff, Karin <Leff.Karin@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Hi, Nate:

# Ex. 5 - Deliberative Process

What do you think?

Sally

---

OECA's Draft Response:

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
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**From:** Folkemer, Nathaniel  
**Sent:** Wednesday, June 14, 2017 9:20 AM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Cc:** Leff, Karin <Leff.Karin@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
**Subject:** FW: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC  
**Importance:** High

Sally,  
Larry is asking for two additions to the proposed responses, see his email below.  
I need to send OCIR the final responses by noon today so let me know as soon as you have a revised response.  
Thanks,  
Nate

---

**From:** Starfield, Lawrence  
**Sent:** Wednesday, June 14, 2017 9:12 AM  
**To:** Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>  
**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC  
**Importance:** High

# Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Thanks.

Larry

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Thank you.

---

**From:** Folkemer, Nathaniel  
**Sent:** Tuesday, June 13, 2017 5:03 PM  
**To:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>  
**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>  
**Subject:** Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Larry,

OCIR received a request for additional information regarding two legislative proposals that are part of the FY18 National Defense Authorization Act. The Proposals would provide DOD with authority to pay stipulated penalties owed in compliance with EPA settlements at the Longhorn Army Ammunition Plant in Texas and the Umatilla Chemical Depot in Oregon. Below is the draft response that FFEO, working with the respective Regions and OLEM, are proposing to provide to OCIR. All of the information in the draft response is publicly available. Please let me know if you have any questions or edits about the response.

OCIR is asking for our final response by NOON Tomorrow, Wednesday June 14<sup>th</sup>.  
Nate

**OECA's Draft Response:**

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

---

**From:** Janifer, Pamela

**Sent:** Friday, June 09, 2017 11:02 AM

**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Mills, Derek <[Mills.Derek@epa.gov](mailto:Mills.Derek@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>

**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

Q: How close are these to meeting the obligations under the settlement?

Q: Provide any general background about cleanup of the site.

## Quick Summaries

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This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**

A handwritten signature in cursive script that reads "Pamela".

Pamela Janifer  
U.S. Environmental Protection Agency  
Office of Congressional Affairs  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
202.564.6969  
[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Folkemer, Nathaniel[Folkemer.Nathaniel@epa.gov]  
**Cc:** Leff, Karin[Leff.Karin@epa.gov]; Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]; Garvey, Melanie[Garvey.Melanie@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Wed 6/14/2017 1:50:32 PM  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Hi, Nate:

## Ex. 5 - Deliberative Process

What do you think?

Sally

-----

-

OECA's Draft Response:

## Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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**From:** Folkemer, Nathaniel

**Sent:** Wednesday, June 14, 2017 9:20 AM

**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>

**Cc:** Leff, Karin <Leff.Karin@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>

**Subject:** FW: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

**Importance:** High

Sally,

Larry is asking for two additions to the proposed responses, see his email below.

I need to send OCIR the final responses by noon today so let me know as soon as you have a revised response.

Thanks,

Nate

**From:** Starfield, Lawrence

**Sent:** Wednesday, June 14, 2017 9:12 AM

**To:** Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>

**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

**Importance:** High

## Ex. 5 - Deliberative Process

Larry

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**From:** Folkemer, Nathaniel  
**Sent:** Tuesday, June 13, 2017 5:03 PM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>  
**Subject:** Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Larry,

## Ex. 5 - Deliberative Process

OCIR is asking for our final response by NOON Tomorrow, Wednesday June 14<sup>th</sup>.

Nate

### OECA's Draft Response:

## Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

# Ex. 5 - DPP, ACP, and AWP

**From:** Janifer, Pamela  
**Sent:** Friday, June 09, 2017 11:02 AM  
**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Mills, Derek <[Mills.Derek@epa.gov](mailto:Mills.Derek@epa.gov)>  
**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>  
**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the

superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

Q: How close are these to meeting the obligations under the settlement?

Q: Provide any general background about cleanup of the site.

#### Quick Summaries

##### 65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

##### 65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**



Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Garvey, Melanie[Garvey.Melanie@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Wed 6/14/2017 1:24:07 PM  
**Subject:** FW: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Look at the below comment from Nate (forwarding Larry).

What do you think?

Sally

Sally M. Dalzell, Senior Counsel

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**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Cc:** Leff, Karin <Leff.Karin@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
**Subject:** FW: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC  
**Importance:** High

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Larry is asking for two additions to the proposed responses, see his email below.

I need to send OCIR the final responses by noon today so let me know as soon as you have a revised response.

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**Sent:** Wednesday, June 14, 2017 9:12 AM  
**To:** Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>  
**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>  
**Subject:** RE: Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC  
**Importance:** High

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Larry

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**From:** Folkemer, Nathaniel

**Sent:** Tuesday, June 13, 2017 5:03 PM

**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>

**Subject:** Response due to OCIR by Noon Wed. 6/14: Superfund Penalties for HASC

Larry,

# Ex. 5 - Deliberative Process

OCIR is asking for our final response by NOON Tomorrow, Wednesday June 14<sup>th</sup>.

Nate

**OECA's Draft Response:**

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

**From:** Janifer, Pamela  
**Sent:** Friday, June 09, 2017 11:02 AM  
**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Mills, Derek <[Mills.Derek@epa.gov](mailto:Mills.Derek@epa.gov)>  
**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>  
**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

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Q: Provide any general background about cleanup of the site.

#### Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

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This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**

A handwritten signature in cursive script that reads "Pamela".

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Garvey, Melanie[Garvey.Melanie@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Tue 6/13/2017 5:56:47 PM  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

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**From:** Dalzell, Sally  
**Sent:** Tuesday, June 13, 2017 12:22 PM  
**To:** Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Ingram, Amir

<Ingram.Amir@epa.gov>

**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

## Ex. 5 - Deliberative Process

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

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**From:** Folkemer, Nathaniel  
**Sent:** Tuesday, June 13, 2017 10:46 AM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Ingram, Amir <Ingram.Amir@epa.gov>  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Thanks Sally,

## Ex. 5 - Deliberative Process

Nate

**From:** Dalzell, Sally  
**Sent:** Tuesday, June 13, 2017 10:05 AM  
**To:** Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Ingram, Amir <Ingram.Amir@epa.gov>  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Revised Longhorn paragraph. Please see below.

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

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**From:** Dalzell, Sally

**Sent:** Monday, June 12, 2017 4:53 PM

**To:** Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>

**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Nate:

As requested, we have prepared responses to the questions from the T&I Staff on the stipulated penalties assessed at Longhorn Army Ammo Plant (TX) and Umatilla Army Depot in Oregon.

We developed the below responses with the affected Region.

Please let us know, if you need anything further.

Thanks to Melanie Garvey for helping with Umatilla.

Sally Dalzell

---

## **Ex. 5 - Deliberative Process**

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# Ex. 5 - Deliberative Process

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

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**From:** Folkemer, Nathaniel

**Sent:** Friday, June 09, 2017 11:15 AM

**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>

**Subject:** Response due noon Tue. 6/13: Superfund Penalties for HASC

FFEO,

I believe you reviewed these two proposals back in April as part of the NDAA legislative proposals # 29 and 30 and said the proposals relate to stipulated penalties. Can you please review the three questions below from the House Armed Services Committee and provide a response by Noon on Tuesday June 13<sup>th</sup>.

Nate

**From:** Janifer, Pamela  
**Sent:** Friday, June 09, 2017 11:02 AM  
**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Mills, Derek <[Mills.Derek@epa.gov](mailto:Mills.Derek@epa.gov)>  
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**Subject:** Superfund Penalties for HASC

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Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in

## Connection with Longhorn Army Ammunition Plant, Texas

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

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**Can you turn this around by Tuesday? Thanks**



Pamela Janifer

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[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Folkemer, Nathaniel[Folkemer.Nathaniel@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]  
**Cc:** Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Tue 6/13/2017 4:22:04 PM  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

## Ex. 5 - Deliberative Process

Sally

Sally M. Dalzell, Senior Counsel

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**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Ingram, Amir <Ingram.Amir@epa.gov>

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## Ex. 5 - Deliberative Process

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**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Ingram, Amir <Ingram.Amir@epa.gov>

**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Revised Longhorn paragraph. Please see below.

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**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>

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Sally Dalzell

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**From:** Folkemer, Nathaniel

**Sent:** Friday, June 09, 2017 11:15 AM

**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>

**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Ingram, Amir <Ingram.Amir@epa.gov>

**Subject:** Response due noon Tue. 6/13: Superfund Penalties for HASC

FFEO,

I believe you reviewed these two proposals back in April as part of the NDAA legislative proposals # 29 and 30 and said the proposals relate to stipulated penalties. Can you please review the three questions below from the House Armed Services Committee and provide a response by Noon on Tuesday June 13<sup>th</sup>.

Nate

**From:** Janifer, Pamela  
**Sent:** Friday, June 09, 2017 11:02 AM  
**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Mills, Derek <[Mills.Derek@epa.gov](mailto:Mills.Derek@epa.gov)>  
**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>  
**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

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Q: Provide any general background about cleanup of the site.

Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

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**Can you turn this around by Tuesday? Thanks**



Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Folkemer, Nathaniel[Folkemer.Nathaniel@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]  
**Cc:** Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Tue 6/13/2017 2:04:30 PM  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Revised Longhorn paragraph. Please see below.

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

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**From:** Dalzell, Sally

**Sent:** Monday, June 12, 2017 4:53 PM

**To:** Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie

<Pendleton.Gracie@epa.gov>

**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Ingram, Amir  
<Ingram.Amir@epa.gov>

**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Nate:

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We developed the below responses with the affected Region.

Please let us know, if you need anything further.

Thanks to Melanie Garvey for helping with Umatilla.

Sally Dalzell

-----

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

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**Sent:** Friday, June 09, 2017 11:15 AM

**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>

**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Ingram, Amir <Ingram.Amir@epa.gov>

**Subject:** Response due noon Tue. 6/13: Superfund Penalties for HASC

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Nate

**From:** Janifer, Pamela

**Sent:** Friday, June 09, 2017 11:02 AM

**To:** Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>

**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>

**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

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This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

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**Can you turn this around by Tuesday? Thanks**

A handwritten signature in cursive script that reads "Pamela". The signature is dark and appears to be on a light background.

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Folkemer, Nathaniel[Folkemer.Nathaniel@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]  
**Cc:** Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Tue 6/13/2017 1:41:05 PM  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

# Ex. 5 - Deliberative Process

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

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**From:** Folkemer, Nathaniel

**Sent:** Tuesday, June 13, 2017 9:03 AM

**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>

**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Ingram, Amir <Ingram.Amir@epa.gov>

**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Sally,

## Ex. 5 - Deliberative Process

Nate

**From:** Dalzell, Sally

**Sent:** Monday, June 12, 2017 4:53 PM

**To:** Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>

**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Ingram, Amir <Ingram.Amir@epa.gov>

**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

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Sally Dalzell

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**From:** Folkemer, Nathaniel

**Sent:** Friday, June 09, 2017 11:15 AM

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Nate

**From:** Janifer, Pamela  
**Sent:** Friday, June 09, 2017 11:02 AM  
**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Mills, Derek <[Mills.Derek@epa.gov](mailto:Mills.Derek@epa.gov)>  
**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>  
**Subject:** Superfund Penalties for HASC

All -

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Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Freyre, Dominique[freyre.dominique@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Mon 6/12/2017 8:53:28 PM  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Thanks, Nikki.

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

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**From:** Freyre, Dominique  
**Sent:** Monday, June 12, 2017 4:16 PM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hi Sally,

From Rich.

Thanks!

**From:** Mayer, Richard  
**Sent:** Monday, June 12, 2017 3:57 PM  
**To:** Freyre, Dominique <[Freyre.Dominique@epa.gov](mailto:Freyre.Dominique@epa.gov)>  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Nikki, The write-up looks good. Thanks.

**From:** Dalzell, Sally  
**Sent:** Monday, June 12, 2017 11:00 AM  
**To:** Malone, George <[Malone.George@epa.gov](mailto:Malone.George@epa.gov)>; Sanchez, Carlos <[sanchez.carlos@epa.gov](mailto:sanchez.carlos@epa.gov)>; Mayer, Richard <[mayer.richard@epa.gov](mailto:mayer.richard@epa.gov)>; Tzhone, Stephen <[tzhone.stephen@epa.gov](mailto:tzhone.stephen@epa.gov)>  
**Cc:** Freyre, Dominique <[Freyre.Dominique@epa.gov](mailto:Freyre.Dominique@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

All:

Below are 2 questions that were forward to us from a congressional committee asking about the stipulated penalties we assessed at Longhorn.

Here are my proposed answers and please make sure you agree with whatever I write below. If not, please correct the statement (s) to make them 100% correct and truthful.

# **Ex. 5 - Deliberative Process**

This is due TOMORROW.

# **Ex. 5 - Deliberative Process**

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
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**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>  
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**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>  
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Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Yacono, Dominick G CIV CNRMA, N00L[dominick.yacono@navy.mil]; Kilborn, John[Kilborn.John@epa.gov]  
**Cc:** Doster, Kathleen[Doster.Kathleen@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Studlien, Susan[Studlien.Susan@epa.gov]; Klena, Jude T CIV NAVIFOR, N03OGC[jude.klena@navy.mil]; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel[michael.bobrick@navy.mil]; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine[lisa.joy@navy.mil]; Leff, Karin[Leff.Karin@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Mon 3/13/2017 9:54:32 PM  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision

We appreciate that, Dominick.

Thank you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]  
Sent: Monday, March 13, 2017 5:53 PM  
To: Dalzell, Sally <Dalzell.Sally@epa.gov>; Kilborn, John <Kilborn.John@epa.gov>  
Cc: Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>; Leff, Karin <Leff.Karin@epa.gov>  
Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision

Sally:

Thank you for the reply and the revised language. Let me circulate the revised text with the goal of providing a response before this coming Friday or earlier if possible.

r/ Dominick

Dominick Yacono  
Associate Counsel

Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [mailto:Dalzell.Sally@epa.gov]  
Sent: Monday, March 13, 2017 5:49 PM  
To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10.

## Ex. 5 - Deliberative Process

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
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(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]

Sent: Friday, March 10, 2017 11:29 AM

To: Kilborn, John <Kilborn.John@epa.gov>

Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>

Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

## Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [mailto:Kilborn.John@epa.gov]

Sent: Monday, March 06, 2017 10:00 AM

To: Yacono, Dominick G CIV CNRMA, N00L

Cc: Dalzell, Sally

Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed. (I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Folkemer, Nathaniel[Folkemer.Nathaniel@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]  
**Cc:** Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Mon 6/12/2017 8:53:03 PM  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Nate:

As requested, we have prepared responses to the questions from the T&I Staff on the stipulated penalties assessed at Longhorn Army Ammo Plant (TX) and Umatilla Army Depot in Oregon.

We developed the below responses with the affected Region.

Please let us know, if you need anything further.

Thanks to Melanie Garvey for helping with Umatilla.

Sally Dalzell

-----

## **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

*Q: Provide any general background about cleanup of the site.*

## **Ex. 5 - Deliberative Process**

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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**From:** Folkemer, Nathaniel

**Sent:** Friday, June 09, 2017 11:15 AM

**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>

**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Ingram, Amir <Ingram.Amir@epa.gov>

**Subject:** Response due noon Tue. 6/13: Superfund Penalties for HASC

FFEO,

I believe you reviewed these two proposals back in April as part of the NDAA legislative proposals # 29 and 30 and said the proposals relate to stipulated penalties. Can you please review the three questions below from the House Armed Services Committee and provide a response by Noon on Tuesday June 13<sup>th</sup>.

Nate

**From:** Janifer, Pamela

**Sent:** Friday, June 09, 2017 11:02 AM

**To:** Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>

**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>

**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

Q: How close are these to meeting the obligations under the settlement?

Q: Provide any general background about cleanup of the site.

## Quick Summaries

### 65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

### 65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**



Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

Message

**From:** Dalzell, Sally [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E29F0DA5E0FC481FA287A2E5503F8D97-SDALZELL]  
**Sent:** 3/13/2017 9:49:09 PM  
**To:** Yacono, Dominick G CIV CNRMA, N00L [dominick.yacono@navy.mil]; Kilborn, John [Kilborn.John@epa.gov]  
**CC:** Doster, Kathleen [Doster.Kathleen@epa.gov]; Dixon, Chelsea [Dixon.Chelsea@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Studlien, Susan [Studlien.Susan@epa.gov]; Klena, Jude T CIV NAVIFOR, N03OGC [jude.klena@navy.mil]; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel [michael.bobrick@navy.mil]; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine [lisa.joy@navy.mil]; Leff, Karin [Leff.Karin@epa.gov]  
**Subject:** EPA Proposal: Cutler - Interest Penalty Provision  
**Attachments:** CUTLER CAFO DRAFT March 13-2017 EPA.docx

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10.

## Ex. 5 - Deliberative Process

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
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-----Original Message-----

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Sent: Friday, March 10, 2017 11:29 AM  
To: Kilborn, John <Kilborn.John@epa.gov>  
Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>  
Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----  
From: Kilborn, John [mailto:Kilborn.John@epa.gov]  
Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, NOOL  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed. (I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: kilborn.john@epa.gov

**To:** Mayer, Richard[mayer.richard@epa.gov]; Malone, George[Malone.George@epa.gov]; Sanchez, Carlos[sanchez.carlos@epa.gov]; Tzhone, Stephen[tzhone.stephen@epa.gov]  
**Cc:** Freyre, Dominique[freyre.dominique@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]  
**From:** Dalzell, Sally  
**Sent:** Mon 6/12/2017 8:02:37 PM  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Region 6 Colleagues:

Thank you all for your help!

## **Ex. 5 - Deliberative Process**

### **Ex. 5 - Deliberative Process**

Here is what I will provide (please let me know if you have any concerns with the answers).

Q: Are these ongoing payments or is this like a onetime payment?

### **Ex. 5 - Deliberative Process**

Q: How close are these to meeting the obligations under the settlement?

## **Ex. 5 - Deliberative Process**

Q: Provide any general background about cleanup of the site.

# Ex. 5 - Deliberative Process

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

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part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

**From:** Mayer, Richard  
**Sent:** Monday, June 12, 2017 1:57 PM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Malone, George <Malone.George@epa.gov>; Sanchez, Carlos <sanchez.carlos@epa.gov>; Tzhone, Stephen <tzhone.stephen@epa.gov>  
**Cc:** Freyre, Dominique <Freyre.Dominique@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

## Ex. 5 - Deliberative Process

**From:** Mayer, Richard  
**Sent:** Monday, June 12, 2017 11:19 AM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Malone, George <Malone.George@epa.gov>; Sanchez, Carlos <sanchez.carlos@epa.gov>; Tzhone, Stephen <tzhone.stephen@epa.gov>  
**Cc:** Freyre, Dominique <freyre.dominique@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

## Ex. 5 - Deliberative Process

**From:** Dalzell, Sally  
**Sent:** Monday, June 12, 2017 11:00 AM  
**To:** Malone, George <Malone.George@epa.gov>; Sanchez, Carlos <sanchez.carlos@epa.gov>; Mayer, Richard <mayer.richard@epa.gov>; Tzhone, Stephen <tzhone.stephen@epa.gov>  
**Cc:** Freyre, Dominique <Freyre.Dominique@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

All:

Below are 2 questions that were forward to us from a congressional committee asking about the stipulated penalties we assessed at Longhorn.

Here are my proposed answers and please make sure you agree with whatever I write below. If not, please correct the statement (s) to make them 100% correct and truthful.

## **Ex. 5 - Deliberative Process**

This is due TOMORROW.

## **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

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**From:** Folkemer, Nathaniel

**Sent:** Friday, June 09, 2017 11:15 AM

**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>

**Subject:** Response due noon Tue. 6/13: Superfund Penalties for HASC

FFEO,

I believe you reviewed these two proposals back in April as part of the NDAA legislative proposals # 29 and 30 and said the proposals relate to stipulated penalties. Can you please review the three questions below from the House Armed Services Committee and provide a response by Noon on Tuesday June 13<sup>th</sup>.

Nate

**From:** Janifer, Pamela

**Sent:** Friday, June 09, 2017 11:02 AM

**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Mills, Derek <[Mills.Derek@epa.gov](mailto:Mills.Derek@epa.gov)>

**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>

**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

Q: How close are these to meeting the obligations under the settlement?

Q: Provide any general background about cleanup of the site.

## Quick Summaries

### 65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

### 65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**



Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Malone, George[Malone.George@epa.gov]; Sanchez, Carlos[sanchez.carlos@epa.gov]; Mayer, Richard[mayer.richard@epa.gov]; Tzhone, Stephen[tzhone.stephen@epa.gov]  
**Cc:** Freyre, Dominique[freyre.dominique@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]  
**From:** Dalzell, Sally  
**Sent:** Mon 6/12/2017 4:00:19 PM  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC  
[LOG65755-UMATIL\\_xml.pdf](#)  
[LOG65756-LONGHORN\\_xml.pdf](#)

All:

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Here are my proposed answers and please make sure you agree with whatever I write below. If not, please correct the statement (s) to make them 100% correct and truthful.

## Ex. 5 - Deliberative Process

This is due TOMORROW.

Q: Are these ongoing payments or is this like a onetime payment? The stipulated penalties would be a one-time payment.

Q: How close are these to meeting the obligations under the settlement?

## Ex. 5 - Deliberative Process

Q: Provide any general background about cleanup of the site.

## **Ex. 5 - Deliberative Process**

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

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**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Ingram, Amir <Ingram.Amir@epa.gov>  
**Subject:** Response due noon Tue. 6/13: Superfund Penalties for HASC

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Nate

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**Sent:** Friday, June 09, 2017 11:02 AM  
**To:** Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>  
**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>  
**Subject:** Superfund Penalties for HASC

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This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**

A handwritten signature in cursive script, appearing to read "Pamela".

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

**To:** Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Tue 5/9/2017 10:20:29 PM  
**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Thank you for helping me write it, Charlotte.

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

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**From:** Bertrand, Charlotte  
**Sent:** Tuesday, May 09, 2017 4:49 PM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Excellent response!

**From:** Dalzell, Sally

**Sent:** Tuesday, May 09, 2017 4:47 PM

**To:** Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Hunt, Stuart <[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>;

Bertrand, Charlotte <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>; Lapachin, Jyl <[Lapachin.Jyl@epa.gov](mailto:Lapachin.Jyl@epa.gov)>;

Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Gervais, Gregory <[Gervais.Gregory@epa.gov](mailto:Gervais.Gregory@epa.gov)>

**Cc:** Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>;

Hunt, Stuart <[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>; Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>;

Lindsey, William <[Lindsey.William@epa.gov](mailto:Lindsey.William@epa.gov)>

**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Nate:

Thank you very much for forwarding DoD's response to us. I am responding on behalf of FFEO and FFRRO.

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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**From:** Folkemer, Nathaniel  
**Sent:** Friday, April 21, 2017 3:27 PM  
**To:** Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Ingram, Amir <Ingram.Amir@epa.gov>  
**Subject:** Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

FFEO,

Please review the attached legislative proposals for the FY 18 NDAA. Proposals 029 and 030 both request authority to make stipulated penalties under Federal Facilities Agreements. There are two other proposals, 023 and 028, that involve land conveyances I've asked OCIR for but have not received them yet so I will circulate them to you next week.

Please let me know if you have any comments and/or redline changes to address your comments by **COB on Thursday April 27<sup>th</sup>**.

Nate

**From:** Levine, Carolyn  
**Sent:** Friday, April 21, 2017 9:50 AM  
**To:** Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Tate, Ragan <Tate.Ragan@epa.gov>  
**Cc:** Snyder, Raquel <Snyder.Raquel@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>  
**Subject:** REVIEW: April 28 deadline- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

**NOTE: COMMENTS DUE TO RAQUEL SNYDER - DEADLINE: 11am  
Friday, April 28, 2017**

Attached are proposals for possible inclusion in the DOD's National Defense Authorization Act

for FY 2017. The excel document lists each proposal with the potential agency interest in order to help all agencies prioritize review. Note that I have only included **proposals 29, 30 and 49** for EPA review due to email size. If there are proposals listed on the spreadsheet that you would like to review, please let me or Raquel know.

Please note in particular proposals 029 and 030 which would authorize stipulated penalties due to EPA. Secondary priority: proposals 49 which addresses potential near federal lands.

Please review and provide your response to Raquel Snyder by the April 28 deadline.

Thanks,

Carolyn

---

*Carolyn Levine*

*Office of Congressional and*

*Intergovernmental Relations*

*U.S. EPA*

*(202) 564-1859*

*levine.carolyn@epa.gov*

**To:** Folkemer, Nathaniel[Folkemer.Nathaniel@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Hunt, Stuart[Hunt.Stuart@epa.gov]; Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Lapachin, Jyl[Lapachin.Jyl@epa.gov]; Harwood, Jackie[Harwood.Jackie@epa.gov]; Gregory Gervais[Gervais.Gregory@epa.gov]  
**Cc:** Ingram, Amir[Ingram.Amir@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Hunt, Stuart[Hunt.Stuart@epa.gov]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]; Lindsey, William[Lindsey.William@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Tue 5/9/2017 8:46:43 PM  
**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Nate:

Thank you very much for forwarding DoD's response to us. I am responding on behalf of FFEO and FFRRO.

## Ex. 5 - Deliberative Process

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U.S. Environmental Protection Agency

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**To:** Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>

**Cc:** Ingram, Amir <Ingram.Amir@epa.gov>

**Subject:** Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

FFEO,

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Please let me know if you have any comments and/or redline changes to address your comments by **COB on Thursday April 27<sup>th</sup>**.

Nate

**From:** Levine, Carolyn

**Sent:** Friday, April 21, 2017 9:50 AM

**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Prabhu, Aditi <[Prabhu.Aditi@epa.gov](mailto:Prabhu.Aditi@epa.gov)>; Tate, Ragan <[Tate.Ragan@epa.gov](mailto:Tate.Ragan@epa.gov)>

**Cc:** Snyder, Raquel <[Snyder.Raquel@epa.gov](mailto:Snyder.Raquel@epa.gov)>; Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>

**Subject:** REVIEW: April 28 deadline- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

**NOTE: COMMENTS DUE TO RAQUEL SNYDER - DEADLINE: 11am  
Friday, April 28, 2017**

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Please note in particular proposals 029 and 030 which would authorize stipulated penalties due to EPA. Secondary priority: proposals 49 which addresses potential near federal lands.

Please review and provide your response to Raquel Snyder by the April 28 deadline.

Thanks,

Carolyn

---

*Carolyn Levine*

*Office of Congressional and*

*Intergovernmental Relations*

*U.S. EPA*

*(202) 564-1859*

*[levine.carolyn@epa.gov](mailto:levine.carolyn@epa.gov)*

**To:** Hunt, Stuart[Hunt.Stuart@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Thur 4/27/2017 6:30:15 PM  
**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

BTW, Stuart:

Thank you for looking at this last Friday.

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

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Washington, D.C. 20004

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**From:** Hunt, Stuart

**Sent:** Friday, April 21, 2017 4:08 PM

**To:** Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>

**Subject:** FW: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Karin, Marie, Sally, and Gracie,

## Ex. 5 - DPP, ACP, and AWP

Stuart

**From:** Folkemer, Nathaniel

**Sent:** Friday, April 21, 2017 3:27 PM

**To:** Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>

**Cc:** Ingram, Amir <Ingram.Amir@epa.gov>

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Please let me know if you have any comments and/or redline changes to address your comments by **COB on Thursday April 27<sup>th</sup>**.

Nate

**From:** Levine, Carolyn

**Sent:** Friday, April 21, 2017 9:50 AM

**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Prabhu, Aditi <[Prabhu.Aditi@epa.gov](mailto:Prabhu.Aditi@epa.gov)>; Tate, Ragan <[Tate.Ragan@epa.gov](mailto:Tate.Ragan@epa.gov)>

**Cc:** Snyder, Raquel <[Snyder.Raquel@epa.gov](mailto:Snyder.Raquel@epa.gov)>; Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>

**Subject:** REVIEW: April 28 deadline- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

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Friday, April 28, 2017**

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Please review and provide your response to Raquel Snyder by the April 28 deadline.

Thanks,

Carolyn

---

*Carolyn Levine*

*Office of Congressional and*

*Intergovernmental Relations*

*U.S. EPA*

*(202) 564-1859*

*levine.carolyn@epa.gov*

**To:** Shiffman, Cari[Shiffman.Cari@epa.gov]  
**Cc:** Muller, Marie[MULLER.MARIE@EPA.GOV]; Leff, Karin[Leff.Karin@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Sat 3/25/2017 1:25:07 PM  
**Subject:** RE: Case Entries for the Transition



Thank you so much, Cari.

Appreciate your help and patience.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
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**From:** Shiffman, Cari  
**Sent:** Tuesday, March 21, 2017 9:12 PM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Cc:** Muller, Marie <MULLER.MARIE@EPA.GOV>; Leff, Karin <Leff.Karin@epa.gov>  
**Subject:** RE: Case Entries for the Transition

Sally,

Here are the changes we made this round. Please make sure to send updates with track changes to Toni and Sarah next Thursday, March 30.

## Ex. 5 - Deliberative Process

Thanks,

Cari Shiffman, Special Assistant

U.S. Environmental Protection Agency

Office of Enforcement and Compliance Assurance

Office: (202) 564-2898 | Mobile: (202) 823-3277

**From:** Dalzell, Sally  
**Sent:** Monday, March 20, 2017 5:40 PM  
**To:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>  
**Cc:** Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>  
**Subject:** Case Entries for the Transition

Cari:

Karin is out today in Region 3 shadowing for her CDP.

She asked me to consolidate our comments and send them to you.

I am not sure I have access to the share drive and I am not sure how to check.

If we are supposed to modify the chart and send on to you, I will do that gladly.

Can you send me the link if your preference is for me to modify the chart itself?

Thank you for your help.

Sally

---

# **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

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Washington, D.C. 20004

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**To:** Kilborn, John[Kilborn.John@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Fri 3/24/2017 5:45:05 PM  
**Subject:** Re: EPA Proposal: Cutler - Interest Penalty Provision

You are entirely right to do so. □

Sally

Sent from my iPhone

On Mar 24, 2017, at 1:40 PM, Kilborn, John <Kilborn.John@epa.gov> wrote:

FYI. I am going to fix the period!

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3)  
Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

---

**From:** Yacono, Dominick G CIV CNRMA, N00L <[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)>  
**Sent:** Thursday, March 23, 2017 6:13 PM  
**To:** Kilborn, John  
**Cc:** Klena, Jude T CIV NAVIFOR, N03OGC  
**Subject:** RE: EPA Proposal: Cutler - Interest Penalty Provision

John:

Two issues I want to bring to your attention:

(1) I have an appointment on Tuesday, 4 April, with Captain Lear, the Commanding Officer of NCTAMS LANT here in Norfolk, VA, to review the CAFO document with him, answer potential questions, and then sign the document. Captain Lear is unavailable until then due to travel. I will scan a copy of the signed CAFO and send it to you via e-mail with the original CAFO being shipped via U.S. mail to your office on 4 April if everything goes smoothly; and,

(2) Not knowing how picky the Regional Judicial Officer at EPA Region 1 can be, I wanted to alert you that the last sentence in paragraph 6 of Appendix 1 is missing a period ".". I leave it up to you to determine if you want to correct it and send me a corrected CAFO before I have Captain Lear sign the document on 4 April.

Thanks.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]  
Sent: Wednesday, March 22, 2017 11:48 AM  
To: Yacono, Dominick G CIV CNRMA, N00L; Dalzell, Sally  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin; McFarlane, Waina J CIV NAVSEA, SEA 00L; Sansevero, Christine; Calder, Steven  
Subject: [Non-DoD Source] RE: EPA Proposal: Cutler - Interest Penalty Provision

Dominick:

Based upon the draft CAFO that Sally Dalzell sent you on March 13, attached is a PDF of the cleaned-up, final version of the CAFO that is ready for signature. As you may know, the way this typically works is that the Respondent, in this case the Navy, signs the CAFO; the Region will then sign the CAFO; and then I will submit the fully executed CAFO to the Regional Judicial Officer for her approval. The CAFO only becomes effective after the all parties have signed, the Regional Judicial Office has approved and signed, and the fully executed CAFO is filed with the Regional Hearing Clerk. After you submit the Navy's signature, I will let you know the status of this process.

We appreciate your cooperation and the Navy's work and cooperation in installing the emission controls and coming into compliance with the RICE rule.

If you have any questions, please do not hesitate to contact me.

John Kilborn

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [<mailto:dominick.yacono@navy.mil>]  
Sent: Tuesday, March 21, 2017 11:11 AM  
To: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>  
Cc: Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena, Jude T CIV NAVIFOR, N03OGC <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; McFarlane, Waina J CIV NAVSEA, SEA 00L <[waina.j.mcfarlane@navy.mil](mailto:waina.j.mcfarlane@navy.mil)>  
Subject: RE: EPA Proposal: Cutler - Interest Penalty Provision

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

If John can provide me with a cleaned-up version of the CAFO sometime this week, I'll start the administrative routing of the CAFO to obtain the signature of the responsible Navy official.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [<mailto:Dalzell.Sally@epa.gov>]  
Sent: Monday, March 13, 2017 5:49 PM  
To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
Subject: [Non-DoD Source] EPA Proposal: Cutler - Interest Penalty Provision

Dear Dominick:

Thank you for sending us the Navy's proposed mark-up of the CAA interest language of the Cutler CAFO on Friday, March 10.

## Ex. 5 - Deliberative Process

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004

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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [<mailto:dominick.yacono@navy.mil>]  
Sent: Friday, March 10, 2017 11:29 AM  
To: Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>  
Cc: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena, Jude T CIV NAVIFOR, N03OGC <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>  
Subject: RE: Cutler - Interest Penalty Provision

Good Afternoon John:

## Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel

1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]  
Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

I was just wondering whether you have heard back about the language that FFEO proposed. (I know that you have to coordinate with a number of other contacts.)

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Kilborn, John[Kilborn.John@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Wed 3/22/2017 4:13:53 PM  
**Subject:** Re: **Ex. 5 - Deliberative Process**

Nice clear note, John.

Sent from my iPhone

On Mar 22, 2017, at 11:47 AM, Kilborn, John <Kilborn.John@epa.gov> wrote:

Dominick:

## Ex. 5 - Deliberative Process

We appreciate your cooperation and the Navy's work and cooperation in installing the emission controls and coming into compliance with the RICE rule.

If you have any questions, please do not hesitate to contact me.

John Kilborn

-----Original Message-----

**From:** Yacono, Dominick G CIV CNRMA, N00L [<mailto:dominick.yacono@navy.mil>]  
**Sent:** Tuesday, March 21, 2017 11:11 AM  
**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>  
**Cc:** Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena, Jude T CIV NAVIFOR, N03OGC <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; McFarlane, Waina J CIV NAVSEA, SEA 00L <[waina.j.mcfarlane@navy.mil](mailto:waina.j.mcfarlane@navy.mil)>  
**Subject:** RE: **Ex. 5 - DPP, ACP, and AWP**

Good Morning Sally and John:

# Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [<mailto:Dalzell.Sally@epa.gov>]

Sent: Monday, March 13, 2017 5:49 PM

To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John

Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin

Subject: [Non-DoD Source]

**Ex. 5 - Deliberative Process**

Dear Dominick:

# Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [<mailto:dominick.yacono@navy.mil>]  
Sent: Friday, March 10, 2017 11:29 AM  
To: Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>  
Cc: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena, Jude T CIV NAVIFOR, N03OGC <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>  
Subject: RE: **Ex. 5 - Deliberative Process**

Good Afternoon John:

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]  
Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

# Ex. 5 - Deliberative Process

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

<CUTLER CAFO FINAL 2017 03 22.pdf>

**To:** Kilborn, John[Kilborn.John@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Wed 3/22/2017 12:44:24 PM  
**Subject:** RE: **Ex. 5 - Deliberative Process**

Us too, John.

This is an important case and we hope Region I continues to take CAA enforcement against Federal agencies where appropriate.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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-----Original Message-----

**From:** Kilborn, John  
**Sent:** Wednesday, March 22, 2017 8:21 AM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** RE: **Ex. 5 - Deliberative Process**

I glad it's almost done!

-----Original Message-----

**From:** Dalzell, Sally  
**Sent:** Tuesday, March 21, 2017 3:51 PM  
**To:** Kilborn, John <Kilborn.John@epa.gov>  
**Cc:** Leff, Karin <Leff.Karin@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
**Subject:** Re: **Ex. 5 - Deliberative Process**

Thanks for doing that, John, and thank you for your patience.

Sally

Sent from my iPhone

> On Mar 21, 2017, at 1:38 PM, Kilborn, John <Kilborn.John@epa.gov> wrote:  
>  
> Dominick:  
>

> Thanks for the response, and I am glad that we could get this resolved.  
>  
> I will send you a clean version of the AOC tomorrow.  
>  
> John  
>  
> -----Original Message-----  
> From: Yacono, Dominick G CIV CNRMA, N00L  
> [mailto:dominick.yacono@navy.mil]  
> Sent: Tuesday, March 21, 2017 11:11 AM  
> To: Dalzell, Sally <Dalzell.Sally@epa.gov>; Kilborn, John  
> <Kilborn.John@epa.gov>  
> Cc: Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea  
> <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>;  
> Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR,  
> N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT,  
> Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT,  
> PWD Maine <lisa.joy@navy.mil>; Leff, Karin <Leff.Karin@epa.gov>;  
> McFarlane, Waina J CIV NAVSEA, SEA 00L <waina.i.mcfarlane@navy.mil>  
> Subject: RE **Ex. 5 - Deliberative Process**  
>  
> Good Morning Sally and John:  
>

## Ex. 5 - Deliberative Process

>  
>  
> Dominick Yacono  
> Associate Counsel  
> Navy Region Mid-Atlantic, Office of the General Counsel  
> 1550 Gilbert St., Bldg. N-21, Ste. 204 Norfolk, VA 23511  
> Phone:757-444-1395  
> Fax: 757-444-5543  
>  
> -----Original Message-----  
> From: Dalzell, Sally [mailto:Dalzell.Sally@epa.gov]  
> Sent: Monday, March 13, 2017 5:49 PM  
> To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
> Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan;  
> Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC  
> MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff,  
> Karin  
> Subject: [Non-DoD Source] **Ex. 5 - Deliberative Process**  
> Provision  
>  
> Dear Dominick:

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

>  
> Sally  
>  
> Sally M. Dalzell, Senior Counsel  
> Federal Facilities Enforcement Office, 2261A U.S. Environmental  
> Protection Agency  
> 1200 Pennsylvania Ave, N.W.  
> Washington, D.C. 20004  
> (202)564-2583  
> (202) 501-0069 (fax)  
> <http://www.fedcenter.gov>  
>  
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sender immediately by email and delete all copies of the message.  
>  
>  
> -----Original Message-----  
> From: Yacono, Dominick G CIV CNRMA, N00L  
> [mailto:[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)]  
> Sent: Friday, March 10, 2017 11:29 AM  
> To: Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>  
> Cc: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Doster, Kathleen  
> <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>;  
> Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan  
> <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena, Jude T CIV NAVIFOR, N03OGC  
> <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel  
> <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine  
> <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>  
> Subject: **Ex. 5 - Deliberative Process**  
>  
> Good Afternoon John:

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

> r/ Dominick  
>  
>  
> Dominick Yacono  
> Associate Counsel  
> Navy Region Mid-Atlantic, Office of the General Counsel  
> 1550 Gilbert St., Bldg. N-21, Ste. 204 Norfolk, VA 23511  
> Phone:757-444-1395  
> Fax: 757-444-5543  
>  
> -----Original Message-----  
> From: Kilborn, John [mailto:Kilborn.John@epa.gov]  
> Sent: Monday, March 06, 2017 10:00 AM  
> To: Yacono, Dominick G CIV CNRMA, N00L  
> Cc: Dalzell, Sally  
> Subject: [Non-DoD Source] Cutler  
>  
> Dominick:  
>  
>  
>

## Ex. 5 - Deliberative Process

>  
>  
> Please let me know.  
>  
>  
>  
> Thanks, John  
>  
>  
>  
> John W. Kilborn  
> Senior Enforcement Counsel

> U.S. Environmental Protection Agency  
> Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA  
> 02109-3912  
>  
> Tel: 617-918-1893  
> Fax: 617-918-0893  
> E-Mail: kilborn.john@epa.gov  
>  
>  
>  
>  
>

**To:** Leff, Karin[Leff.Karin@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Wed 3/22/2017 12:39:22 PM  
**Subject:** RE: **Ex. 5 - DPP, ACP, and AWP**

It's just that I never make mistakes. ☺

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

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**From:** Leff, Karin  
**Sent:** Tuesday, March 21, 2017 7:12 PM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** Re: **Ex. 5 - DPP, ACP, and AWP**

Yes I knew that ☐ tired.

Sent from my iPhone

On Mar 21, 2017, at 3:50 PM, Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)> wrote:

Navy here, Karin. □

I hope they don't need briefings.

Hope your shadowing has been interesting.

I'll bet it was.

See you tomorrow.

Sally

Sent from my iPhone

On Mar 21, 2017, at 2:07 PM, Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)> wrote:

## **Ex. 5 - DPP, ACP, and AWP**

Sent from my iPhone

Begin forwarded message:

**From:** "Yacono, Dominick G CIV CNRMA, N00L"  
<[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)>

**Date:** March 21, 2017 at 11:11:13 AM EDT

**To:** "Dalzell, Sally" <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>, "Kilborn, John" <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>

**Cc:** "Doster, Kathleen" <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>, "Dixon, Chelsea" <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>, "Muller, Marie" <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>, "Studlien, Susan" <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>, "Klena, Jude T CIV NAVIFOR, N03OGC" <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>, "Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel" <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>, "Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine" <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>, "Leff, Karin" <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>, "McFarlane, Waina J CIV NAVSEA, SEA 00L" <[waina.j.mcfarlane@navy.mil](mailto:waina.j.mcfarlane@navy.mil)>

**Subject:** **Ex. 5 - Deliberative Process**

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [<mailto:Dalzell.Sally@epa.gov>]

Sent: Monday, March 13, 2017 5:49 PM

To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John

Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin

Subject: [Non-DoD Source]

**Ex. 5 - Deliberative Process**

Dear Dominick:

# Ex. 5 - Deliberative Process

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection  
Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L  
[mailto:dominick.yacono@navy.mil]  
Sent: Friday, March 10, 2017 11:29 AM  
To: Kilborn, John <Kilborn.John@epa.gov>  
Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Doster, Kathleen  
<Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>;  
Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan  
<Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC  
<jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT,  
Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT,  
PWD Maine <lisa.joy@navy.mil>  
Subject: RE: **Ex. 5 - Deliberative Process**

Good Afternoon John:

## Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]  
Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

## **Ex. 5 - Deliberative Process**

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)



**To:** Kilborn, John[Kilborn.John@epa.gov]  
**Cc:** Leff, Karin[Leff.Karin@epa.gov]; Doster, Kathleen[Doster.Kathleen@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Tue 3/21/2017 7:50:53 PM  
**Subject:** Re: **Ex. 5 - Deliberative Process**

Thanks for doing that, John, and thank you for your patience.

Sally

Sent from my iPhone

> On Mar 21, 2017, at 1:38 PM, Kilborn, John <Kilborn.John@epa.gov> wrote:

>

> Dominick:

>

> Thanks for the response, and I am glad that we could get this resolved.

>

> I will send you a clean version of the AOC tomorrow.

>

> John

>

> -----Original Message-----

> From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]

> Sent: Tuesday, March 21, 2017 11:11 AM

> To: Dalzell, Sally <Dalzell.Sally@epa.gov>; Kilborn, John <Kilborn.John@epa.gov>

> Cc: Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <lisa.joy@navy.mil>; Leff, Karin <Leff.Karin@epa.gov>; McFarlane, Waina J CIV NAVSEA, SEA 00L <waina.j.mcfarlane@navy.mil>

> Subject: RE: EPA Proposal: **Ex. 5 - Deliberative Process**

>

> Good Morning Sally and John:

>

> I have received approval to move forward with the CAFO

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

> If John can provide me with a cleaned-up version of the CAFO sometime this week, I'll start the administrative routing of the CAFO to obtain the signature of the responsible Navy official.

>

> r/ Dominick

>

>

> Dominick Yacono

> Associate Counsel

> Navy Region Mid-Atlantic, Office of the General Counsel

> 1550 Gilbert St., Bldg. N-21, Ste. 204

> Norfolk, VA 23511

> Phone:757-444-1395

> Fax: 757-444-5543

>

> -----Original Message-----

> From: Dalzell, Sally [mailto:Dalzell.Sally@epa.gov]

> Sent: Monday, March 13, 2017 5:49 PM  
> To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
> Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin  
> Subject: [Non-DoD Source] EPA Proposal:

**Ex. 5 - Deliberative Process**

>  
> Dear Dominick:

> Thank you for sending us:

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

>  
> We look forward to hearing from you.

> Sally

> Sally M. Dalzell, Senior Counsel

> Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency

> 1200 Pennsylvania Ave, N.W.

> Washington, D.C. 20004

> (202)564-2583

> (202) 501-0069 (fax)

> <http://www.fedcenter.gov>

>  
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> -----Original Message-----

> From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]

> Sent: Friday, March 10, 2017 11:29 AM

> To: Kilborn, John <Kilborn.John@epa.gov>

> Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon,  
Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan  
<Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick,  
Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>; Joy, Lisa M CIV NAVFAC

MIDLANT, PWD Maine <lisa.iov@navy.mil>

> Subject: RE: **Ex. 5 - Deliberative Process**

>

> Good Afternoon John:

>

# Ex. 5 - Deliberative Process

> r/ Dominick

>

>

> Dominick Yacono

> Associate Counsel

> Navy Region Mid-Atlantic, Office of the General Counsel

> 1550 Gilbert St., Bldg. N-21, Ste. 204

> Norfolk, VA 23511

> Phone:757-444-1395

> Fax: 757-444-5543

>

> -----Original Message-----

> From: Kilborn, John [mailto:Kilborn.John@epa.gov]

> Sent: Monday, March 06, 2017 10:00 AM

> To: Yacono, Dominick G CIV CNRMA, N00L

> Cc: Dalzell, Sally

> Subject: [Non-DoD Source] Cutler

>

> Dominick:

>

>

## Ex. 5 - Deliberative Process

>

>

> Please let me know.

>  
>  
>  
> Thanks, John  
>  
>  
>  
> John W. Kilborn  
> Senior Enforcement Counsel  
> U.S. Environmental Protection Agency  
> Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912  
>  
> Tel: 617-918-1893  
> Fax: 617-918-0893  
> E-Mail: kilborn.john@epa.gov  
>  
>  
>  
>  
>

**To:** Leff, Karin[Leff.Karin@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Tue 3/21/2017 7:50:01 PM  
**Subject:** Re: EPA Proposal: Cutler - Interest Penalty Provision

Navy here, Karin. □

I hope they don't need briefings.

Hope your shadowing has been interesting.

I'll bet it was.

See you tomorrow.

Sally

Sent from my iPhone

On Mar 21, 2017, at 2:07 PM, Leff, Karin <Leff.Karin@epa.gov> wrote:

## Ex. 5 - DPP, ACP, and AWP

Sent from my iPhone

Begin forwarded message:

**From:** "Yacono, Dominick G CIV CNRMA, N00L" <dominick.yacono@navy.mil>  
**Date:** March 21, 2017 at 11:11:13 AM EDT  
**To:** "Dalzell, Sally" <Dalzell.Sally@epa.gov>, "Kilborn, John" <Kilborn.John@epa.gov>  
**Cc:** "Doster, Kathleen" <Doster.Kathleen@epa.gov>, "Dixon, Chelsea" <Dixon.Chelsea@epa.gov>, "Muller, Marie" <MULLER.MARIE@EPA.GOV>, "Studlien, Susan" <Studlien.Susan@epa.gov>, "Klena, Jude T CIV NAVIFOR, N03OGC" <jude.klena@navy.mil>, "Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel" <michael.bobrick@navy.mil>, "Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine" <lisa.joy@navy.mil>, "Leff, Karin" <Leff.Karin@epa.gov>, "McFarlane, Waina J CIV NAVSEA, SEA 00L" <waina.j.mcfarlane@navy.mil>  
**Subject:** RE **Ex. 5 - Deliberative Process**

Good Morning Sally and John:

# Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [<mailto:Dalzell.Sally@epa.gov>]

Sent: Monday, March 13, 2017 5:49 PM

To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John

Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T

CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel;

Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine; Leff, Karin

Subject: [Non-DoD Source]

**Ex. 5 - Deliberative Process**

Dear Dominick:

# Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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retain, copy, or disseminate this message or any part of it. If you have received this  
message in error, please notify the sender immediately by email and delete all copies  
of the message.

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L  
[mailto:[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)]  
Sent: Friday, March 10, 2017 11:29 AM  
To: Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>  
Cc: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Doster, Kathleen  
<[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller,  
Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan  
<[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena, Jude T CIV NAVIFOR, N03OGC  
<[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel  
<[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine  
<[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>  
Subject: RE: **Ex. 5 - Deliberative Process**

Good Afternoon John:

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]  
Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

# **Ex. 5 - Deliberative Process**

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

**To:** Yacono, Dominick G CIV CNRMA, N00L[dominick.yacono@navy.mil]  
**Cc:** Kilborn, John[Kilborn.John@epa.gov]; Doster, Kathleen[Doster.Kathleen@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Studlien, Susan[Studlien.Susan@epa.gov]; Klena, Jude T CIV NAVIFOR, N03OGC[jude.klena@navy.mil]; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel[michael.bobrick@navy.mil]; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine[lisa.joy@navy.mil]; Leff, Karin[Leff.Karin@epa.gov]; McFarlane, Waina J CIV NAVSEA, SEA 00L[waina.j.mcfarlane@navy.mil]  
**From:** Dalzell, Sally  
**Sent:** Tue 3/21/2017 3:55:58 PM  
**Subject:** Re: **Ex. 5 - Deliberative Process**

Thank you, Dominick.

I am glad we could bring this to closure.

Sally Dalzell

Sent from my iPhone

On Mar 21, 2017, at 11:11 AM, Yacono, Dominick G CIV CNRMA, N00L  
<[dominick.yacono@navy.mil](mailto:dominick.yacono@navy.mil)> wrote:

Good Morning Sally and John:

## Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [<mailto:Dalzell.Sally@epa.gov>]  
Sent: Monday, March 13, 2017 5:49 PM

To: Yacono, Dominick G CIV CNRMA, N00L; Kilborn, John  
Cc: Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan; Klena, Jude T CIV NAVIFOR, N03OGC; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel; Joy, Lisa M CIV NAVFAC MIDLANT, PWD, Maine; Leff, Karin  
Subject: [Non-DoD Source]

## **Ex. 5 - Deliberative Process**

Dear Dominick:

# **Ex. 5 - Deliberative Process**

We look forward to hearing from you.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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sender immediately by email and delete all copies of the message.

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [<mailto:dominick.yacono@navy.mil>]

Sent: Friday, March 10, 2017 11:29 AM

To: Kilborn, John <[Kilborn.John@epa.gov](mailto:Kilborn.John@epa.gov)>

Cc: Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Studlien, Susan <[Studlien.Susan@epa.gov](mailto:Studlien.Susan@epa.gov)>; Klena, Jude T CIV NAVIFOR, N03OGC <[jude.klena@navy.mil](mailto:jude.klena@navy.mil)>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <[michael.bobrick@navy.mil](mailto:michael.bobrick@navy.mil)>; Joy, Lisa M CIV NAVFAC MIDLANT, PWD Maine <[lisa.joy@navy.mil](mailto:lisa.joy@navy.mil)>

Subject: RE: **Ex. 5 - Deliberative Process**

Good Afternoon John:

## Ex. 5 - Deliberative Process

r/ Dominick

Dominick Yacono

Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [<mailto:Kilborn.John@epa.gov>]  
Sent: Monday, March 06, 2017 10:00 AM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Dalzell, Sally  
Subject: [Non-DoD Source] Cutler

Dominick:

## Ex. 5 - Deliberative Process

Please let me know.

Thanks, John

John W. Kilborn  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893  
Fax: 617-918-0893  
E-Mail: [kilborn.john@epa.gov](mailto:kilborn.john@epa.gov)

Message

**From:** Dalzell, Sally [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E29F0DA5E0FC481FA287A2E5503F8D97-SDALZELL]  
**Sent:** 3/20/2017 9:31:00 PM  
**To:** Dalzell, Sally [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e29f0da5e0fc481fa287a2e5503f8d97-Sdalzell]  
**Subject:** FW: Case write ups for transition team- please let me know of any changes Monday. See my redline. Thanks

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
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---

**From:** Leff, Karin  
**Sent:** Friday, March 17, 2017 5:12 PM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** Case write ups for transition team- please let me know of any changes Monday. See my redline. Thanks

## Ex. 5 - Deliberative Process

Washington Navy Yard RCRA, CAA Consent Agreement and Final Order (Administrative penalty) Settlement documents signed by the Navy. \$84,100 - Should be deleted as settlement is final- signed by all parties and approved by RLJ

## Ex. 5 - Deliberative Process

Paducah Gaseous Diffusion Plant (PGDP), Paducah KY CERCLA 120 Federal Facility Agreement (FFA)  
Formal dispute with Department of Energy on establishment of effluent limits for radionuclides in wastewaters  
associated with operation of planned on-site CERCLA waste disposal facility Settlement final Feb. 3,  
2017. All parties have signed the Memorandum of Agreement. The issue is resolved and will be removed from  
the next update. **Delete. Completed**

## **Ex. 5 - Deliberative Process**

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Thank you.

Message

---

**From:** Dalzell, Sally [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E29F0DA5E0FC481FA287A2E5503F8D97-SDALZELL]  
**Sent:** 4/24/2017 3:11:22 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]; Hunt, Stuart [Hunt.Stuart@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Hi, Karin:

This language appears in transfer legislation and it can certainly vary.

# Ex. 5 - DPP, ACP, and AWP

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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---

**From:** Leff, Karin  
**Sent:** Monday, April 24, 2017 9:48 AM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally

<Dalzell.Sally@epa.gov>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>

**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Stuart et al, thanks so much for reviewing and raising the issue. Just for my knowledge, are there specific situations/types of legislation where we usually see this type of language or is it just something we generally look out for?

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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---

**From:** Hunt, Stuart

**Sent:** Monday, April 24, 2017 8:09 AM

**To:** Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>

**Subject:** FW: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Karin, Marie, Sally, and Gracie,

**Ex. 5 - DPP, ACP, and AWP**

---

**From:** Folkemer, Nathaniel  
**Sent:** Friday, April 21, 2017 5:11 PM  
**To:** Hunt, Stuart <[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Cc:** Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>; Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>  
**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Stuart,  
Attached are the three proposals.  
Nate

---

**From:** Hunt, Stuart  
**Sent:** Friday, April 21, 2017 4:10 PM  
**To:** Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Cc:** Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>  
**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Nate,  
  
Please also request 017 (lease improvements Plant 42) and send it to us.

Thanks,  
  
Stuart

---

**From:** Folkemer, Nathaniel  
**Sent:** Friday, April 21, 2017 3:27 PM  
**To:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Hunt, Stuart <[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>  
**Cc:** Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>  
**Subject:** Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

FFEO,

Please review the attached legislative proposals for the FY 18 NDAA. Proposals 029 and 030 both request authority to make stipulated penalties under Federal Facilities Agreements. There are two other proposals, 023 and 028, that involve land conveyances I've asked OCIR for but have not received them yet so I will circulate them to you next week. Please let me know if you have any comments and/or redline changes to address your comments **by COB on Thursday April 27<sup>th</sup>**.

Nate

---

**From:** Levine, Carolyn  
**Sent:** Friday, April 21, 2017 9:50 AM  
**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Prabhu, Aditi <[Prabhu.Aditi@epa.gov](mailto:Prabhu.Aditi@epa.gov)>; Tate, Ragan <[Tate.Ragan@epa.gov](mailto:Tate.Ragan@epa.gov)>

Cc: Snyder, Raquel <[Snyder.Raquel@epa.gov](mailto:Snyder.Raquel@epa.gov)>; Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>

Subject: REVIEW: April 28 deadline- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

**NOTE: COMMENTS DUE TO RAQUEL SNYDER - DEADLINE: 11am Friday, April 28, 2017**

Attached are proposals for possible inclusion in the DOD's National Defense Authorization Act for FY 2017. The excel document lists each proposal with the potential agency interest in order to help all agencies prioritize review. Note that I have only included **proposals 29, 30 and 49** for EPA review due to email size. If there are proposals listed on the spreadsheet that you would like to review, please let me or Raquel know.

Please note in particular proposals 029 and 030 which would authorize stipulated penalties due to EPA. Secondary priority: proposals 49 which addresses potential near federal lands.

Please review and provide your response to Raquel Snyder by the April 28 deadline.

Thanks,  
Carolyn

---

Carolyn Levine  
Office of Congressional and  
Intergovernmental Relations  
U.S. EPA  
(202) 564-1859  
[levine.carolyn@epa.gov](mailto:levine.carolyn@epa.gov)

Message

---

**From:** Dalzell, Sally [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E29F0DA5E0FC481FA287A2E5503F8D97-SDALZELL]  
**Sent:** 4/24/2017 1:48:24 PM  
**To:** Folkemer, Nathaniel [Folkemer.Nathaniel@epa.gov]; Hunt, Stuart [Hunt.Stuart@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**CC:** Ingram, Amir [Ingram.Amir@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]  
**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch  
**Attachments:** 028(01) (002) FFEO.docx; 023(4) FFEO.docx

Hi, Nate:

Thank you for sending this legislation around for our review. We greatly appreciate your vigilance on this issue and others. Your recent medal was well-deserved and I have been meaning to tell you. Congratulations!

# Ex. 5 - Deliberative Process

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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---

**From:** Folkemer, Nathaniel  
**Sent:** Friday, April 21, 2017 5:11 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Cc:** Ingram, Amir <Ingram.Amir@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>  
**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Stuart,  
Attached are the three proposals.  
Nate

---

**From:** Hunt, Stuart  
**Sent:** Friday, April 21, 2017 4:10 PM  
**To:** Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Cc:** Ingram, Amir <Ingram.Amir@epa.gov>  
**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Nate,  
  
Please also request 017 (lease improvements Plant 42) and send it to us.  
  
Thanks,  
  
Stuart

---

**From:** Folkemer, Nathaniel  
**Sent:** Friday, April 21, 2017 3:27 PM  
**To:** Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Ingram, Amir <Ingram.Amir@epa.gov>  
**Subject:** Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

FFEO,  
  
Please review the attached legislative proposals for the FY 18 NDAA. Proposals 029 and 030 both request authority to make stipulated penalties under Federal Facilities Agreements. There are two other proposals, 023 and 028, that involve land conveyances I've asked OCIR for but have not received them yet so I will circulate them to you next week. Please let me know if you have any comments and/or redline changes to address your comments **by COB on Thursday April 27<sup>th</sup>**.

Nate

---

**From:** Levine, Carolyn  
**Sent:** Friday, April 21, 2017 9:50 AM

**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Prabhu, Aditi <[Prabhu.Aditi@epa.gov](mailto:Prabhu.Aditi@epa.gov)>; Tate, Ragan <[Tate.Ragan@epa.gov](mailto:Tate.Ragan@epa.gov)>  
**Cc:** Snyder, Raquel <[Snyder.Raquel@epa.gov](mailto:Snyder.Raquel@epa.gov)>; Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>  
**Subject:** REVIEW: April 28 deadline- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

**NOTE: COMMENTS DUE TO RAQUEL SNYDER - DEADLINE: 11am Friday, April 28, 2017**

Attached are proposals for possible inclusion in the DOD's National Defense Authorization Act for FY 2017. The excel document lists each proposal with the potential agency interest in order to help all agencies prioritize review. Note that I have only included **proposals 29, 30 and 49** for EPA review due to email size. If there are proposals listed on the spreadsheet that you would like to review, please let me or Raquel know.

Please note in particular proposals 029 and 030 which would authorize stipulated penalties due to EPA. Secondary priority: proposals 49 which addresses potential near federal lands.

Please review and provide your response to Raquel Snyder by the April 28 deadline.

Thanks,  
Carolyn

.....  
Carolyn Levine  
Office of Congressional and  
Intergovernmental Relations  
U.S. EPA  
(202) 564-1859  
[levine.carolyn@epa.gov](mailto:levine.carolyn@epa.gov)

**To:** Muller, Marie[MULLER.MARIE@EPA.GOV]; Pendleton, Gracie[Pendleton.Gracie@epa.gov];  
Hunt, Stuart[Hunt.Stuart@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Mon 4/24/2017 1:04:07 PM  
**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National  
Defense Authorization Act for FY 2018 Second Batch

## Ex. 5 - DPP, ACP, and AWP

I am in the process of getting language to send to Nate. He has been fantastic at flagging it for us.

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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**From:** Muller, Marie

**Sent:** Monday, April 24, 2017 9:03 AM

**To:** Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>

**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Thanks to both of you, this is very helpful. Will one of you reach out to Nate and flag this as a concern so he may keep a look out as well in other legislation that comes up?

Thank you.

Marie Muller

Director, Site Remediation and Enforcement Staff

Federal Facility Enforcement Office - MC 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-0217

202-501-0069 (fax)

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**From:** Pendleton, Gracie

**Sent:** Monday, April 24, 2017 8:57 AM

**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>

**Subject:** Re: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Thanks Stuart.

I don't have any comments but I'm glad you flagged the language

**Ex. 5 - DPP, ACP, and AWP**

**Ex. 5 - DPP, ACP, and AWP**

Thanks!

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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---

**From:** Hunt, Stuart

**Sent:** Monday, April 24, 2017 8:08 AM

**To:** Leff, Karin; Muller, Marie; Dalzell, Sally; Pendleton, Gracie

**Subject:** FW: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Karin, Marie, Sally, and Gracie,

I do not have any comments on Proposal 017 – Plant 42 lease improvements.

**Ex. 5 -ACP, and AWP**

## **Ex. 5 -ACP, and AWP**

Proposals 023 (Sale at Natick, MA) and 028 (Sale in Dallas, TX) each have a subsection (e) that says:

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance set forth in subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

## **Ex. 5 -ACP, and AWP**

Stuart

**From:** Folkemer, Nathaniel

**Sent:** Friday, April 21, 2017 5:11 PM

**To:** Hunt, Stuart <[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

**Cc:** Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>; Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>

**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Stuart,

Attached are the three proposals.

Nate

**From:** Hunt, Stuart

**Sent:** Friday, April 21, 2017 4:10 PM

**To:** Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

**Cc:** Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>

**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Nate,

Please also request 017 (lease improvements Plant 42) and send it to us.

Thanks,

Stuart

**From:** Folkemer, Nathaniel

**Sent:** Friday, April 21, 2017 3:27 PM

**To:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Hunt, Stuart <[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>

**Cc:** Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>

**Subject:** Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

FFEO,

Please review the attached legislative proposals for the FY 18 NDAA. Proposals 029 and 030 both request authority to make stipulated penalties under Federal Facilities Agreements. There are two other proposals, 023 and 028, that involve land conveyances I've asked OCIR for but have not received them yet so I will circulate them to you next week.

Please let me know if you have any comments and/or redline changes to address your comments **by COB on Thursday April 27<sup>th</sup>**.

Nate

**From:** Levine, Carolyn  
**Sent:** Friday, April 21, 2017 9:50 AM  
**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Prabhu, Aditi <[Prabhu.Aditi@epa.gov](mailto:Prabhu.Aditi@epa.gov)>; Tate, Ragan <[Tate.Ragan@epa.gov](mailto:Tate.Ragan@epa.gov)>  
**Cc:** Snyder, Raquel <[Snyder.Raquel@epa.gov](mailto:Snyder.Raquel@epa.gov)>; Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>  
**Subject:** REVIEW: April 28 deadline- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

**NOTE: COMMENTS DUE TO RAQUEL SNYDER - DEADLINE: 11am  
Friday, April 28, 2017**

Attached are proposals for possible inclusion in the DOD's National Defense Authorization Act for FY 2017. The excel document lists each proposal with the potential agency interest in order to help all agencies prioritize review. Note that I have only included **proposals 29, 30 and 49** for EPA review due to email size. If there are proposals listed on the spreadsheet that you would like to review, please let me or Raquel know.

Please note in particular proposals 029 and 030 which would authorize stipulated penalties due to EPA. Secondary priority: proposals 49 which addresses potential near federal lands.

Please review and provide your response to Raquel Snyder by the April 28 deadline.

Thanks,

Carolyn

\*\*\*

*Carolyn Levine*

*Office of Congressional and*

*Intergovernmental Relations*

*U.S. EPA*

*(202) 564-1859*

*[levine.carolyn@epa.gov](mailto:levine.carolyn@epa.gov)*

**To:** Mastro, Donna[mastro.donna@epa.gov]

**From:** Dalzell, Sally

**Sent:** Fri 5/19/2017 4:26:12 PM

**Subject:** FW: Heads up on

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

OECA Weekly Report May 18 2017.docx

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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**From:** Starfield, Lawrence

**Sent:** Friday, May 19, 2017 11:55 AM

**To:** Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Armstead, John A. <Armstead.John@epa.gov>

**Cc:** Maldonado, Zelma <Maldonado.Zelma@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Leff, Karin <Leff.Karin@epa.gov>; Belser, Evan <Belser.Evan@epa.gov>

**Subject:** FW: Heads up on

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**Importance:** High

Cecil and John,

# Ex. 5 - DPP, ACP, and AWP

Please let me know if you'd like revisions to the write-up, or have concerns. Thanks.

Larry

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**From:** Starfield, Lawrence

**Sent:** Thursday, May 18, 2017 6:57 PM

**To:** Cecil Rodrigues ([rodrigues.cecil@epa.gov](mailto:rodrigues.cecil@epa.gov)) <[rodrigues.cecil@epa.gov](mailto:rodrigues.cecil@epa.gov)>

**Subject:** FW: **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Cecil,

## Ex. 5 - Deliberative Process

Larry

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**From:** Leff, Karin

**Sent:** Thursday, May 18, 2017 1:56 PM

**To:** Miles, Erin <[Miles.Erin@epa.gov](mailto:Miles.Erin@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>; Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>

**Cc:** Belser, Evan <[Belser.Evan@epa.gov](mailto:Belser.Evan@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

**Subject:** **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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**To:** Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Hunt, Stuart[Hunt.Stuart@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Tue 1/24/2017 2:29:21 PM  
**Subject:** RE: Fort Devens - FYI

Hi Chelsea:

## Ex. 5 - DPP, ACP, and AWP

I see where you are coming from, though.

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

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**From:** Dixon, Chelsea

**Sent:** Tuesday, January 24, 2017 8:47 AM

**To:** Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>

**Subject:** RE: Fort Devens - FYI

Hi Karin,

## **Ex. 5 - DPP, ACP, and AWP**

Chelsea

Chelsea E. Dixon, Attorney-Advisor

Federal Facilities Enforcement Office

U.S. Environmental Protection Agency

WJC South 2202E

1200 Pennsylvania Ave., NW (MC 2261A)

Washington, DC 20460

(202) 564-2592

**From:** Leff, Karin

**Sent:** Monday, January 23, 2017 5:14 PM

**To:** Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>;  
Hunt, Stuart <[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>

**Subject:** FW: Fort Devens - FYI

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

**From:** Starfield, Lawrence

**Sent:** Monday, January 23, 2017 5:11 PM

**To:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>

**Subject:** FW: Fort Devens

## **Ex. 5 - Deliberative Process**

Larry

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**From:** Szaro, Deb

**Sent:** Monday, January 23, 2017 4:11 PM

**To:** Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>

**Cc:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>

**Subject:** FW: Fort Devens

Barry,

## **Ex. 5 - Deliberative Process**

Deb

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

Message

---

**From:** Dalzell, Sally [Dalzell.Sally@epa.gov]  
**Sent:** 2/2/2017 8:33:42 PM  
**To:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**CC:** Lindsey, William [Lindsey.William@epa.gov]; Doster, Kathleen [Doster.Kathleen@epa.gov]  
**Subject:** Re: R10 Federal Facilities Workgroup

Mike Scozafaza (sp?) has been working on these new lead procedures.

I think a policy just came out on It.

He is extremely nice and could answer your questions. He may be on a detail to the water program (from OSRTI) but I think he may still handle this issue.

## **Ex. 5 - DPP, ACP, and AWP**

Sally

Sent from my iPhone

On Feb 2, 2017, at 1:20 PM, Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)> wrote:

Do you know who is working this lead issue with FFRRO? Region 10 has been asking Monica and Mary questions with respect to Umatilla.

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Craig, Harry  
**Sent:** Thursday, February 2, 2017 11:58 AM  
**To:** Cooke, Maryt; McEaddy, Monica

**Cc:** Maddox, Doug; Garvey, Melanie; Hiltner, Allison; Faulk, Dennis; Stifelman, Marc  
**Subject:** RE: R10 Federal Facilities Workgroup

Mary,

## Ex. 5 - Deliberative Process and 7(e)

Regards,

Harry

---

**From:** Cooke, Maryt  
**Sent:** Thursday, February 02, 2017 8:44 AM  
**To:** Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; McEaddy, Monica <[McEaddy.Monica@epa.gov](mailto:McEaddy.Monica@epa.gov)>  
**Cc:** Maddox, Doug <[Maddox.Doug@epa.gov](mailto:Maddox.Doug@epa.gov)>; Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Hiltner, Allison <[Hiltner.Allison@epa.gov](mailto:Hiltner.Allison@epa.gov)>; Faulk, Dennis <[Faulk.Dennis@epa.gov](mailto:Faulk.Dennis@epa.gov)>  
**Subject:** RE: R10 Federal Facilities Workgroup

I am speaking to OSRTI at noon our time to discuss how they would like to move the lead issues through the new process.

This is our first one – but I will do my best to make it as painless as possible. Did you work with them on the last one?

---

**From:** Craig, Harry  
**Sent:** Thursday, February 02, 2017 11:41 AM  
**To:** McEaddy, Monica <[McEaddy.Monica@epa.gov](mailto:McEaddy.Monica@epa.gov)>  
**Cc:** Maddox, Doug <[Maddox.Doug@epa.gov](mailto:Maddox.Doug@epa.gov)>; Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Cooke, Maryt <[Cooke.Maryt@epa.gov](mailto:Cooke.Maryt@epa.gov)>; Hiltner, Allison <[Hiltner.Allison@epa.gov](mailto:Hiltner.Allison@epa.gov)>; Faulk, Dennis <[Faulk.Dennis@epa.gov](mailto:Faulk.Dennis@epa.gov)>  
**Subject:** FW: R10 Federal Facilities Workgroup

Monica,

## Ex. 5 - Deliberative Process and 7(e)

Regards,

Harry

---

**From:** Craig, Harry  
**Sent:** Tuesday, January 31, 2017 3:28 PM  
**To:** Stifelman, Marc <[Stifelman.Marc@epa.gov](mailto:Stifelman.Marc@epa.gov)>; Prestbo, Kim <[Prestbo.Kim@epa.gov](mailto:Prestbo.Kim@epa.gov)>; Bott, Dustan

<Bott.Dustan@epa.gov>; Buelow, Laura <Buelow.Laura@epa.gov>; Cora, Christopher  
<Cora.Christopher@epa.gov>; Einan, Dave <Einan.David@epa.gov>; Faulk, Dennis  
<Faulk.Dennis@epa.gov>; Halstead, Sandra <Halstead.Sandra@epa.gov>; Hiltner, Allison  
<Hiltner.Allison@epa.gov>; Kramer, Jackie <Kramer.Jackie@epa.gov>; Laija, Emerald  
<Laija.Emerald@epa.gov>; Lobos, Rod <Lobos.Rod@epa.gov>; Lynch, Kira <lynch.kira@epa.gov>;  
Repasky, Ted <repasky.ted@epa.gov>  
**Cc:** Bachman, Brenda <bachman.brenda@epa.gov>  
**Subject:** RE: R10 Federal Facilities Workgroup

Marc,

Thanks, this is helpful.

## Ex. 5 - Deliberative Process and 7(e)

Regards,

Harry

---

**From:** Stifelman, Marc

**Sent:** Tuesday, January 24, 2017 11:03 AM

**To:** Craig, Harry <Craig.Harry@epa.gov>; Prestbo, Kim <Prestbo.Kim@epa.gov>; Bott, Dustan  
<Bott.Dustan@epa.gov>; Buelow, Laura <Buelow.Laura@epa.gov>; Cora, Christopher  
<Cora.Christopher@epa.gov>; Einan, Dave <Einan.David@epa.gov>; Faulk, Dennis  
<Faulk.Dennis@epa.gov>; Halstead, Sandra <Halstead.Sandra@epa.gov>; Hiltner, Allison  
<Hiltner.Allison@epa.gov>; Kramer, Jackie <Kramer.Jackie@epa.gov>; Laija, Emerald  
<Laija.Emerald@epa.gov>; Lobos, Rod <Lobos.Rod@epa.gov>; Lynch, Kira <lynch.kira@epa.gov>;  
Repasky, Ted <repasky.ted@epa.gov>

**Cc:** Bachman, Brenda <bachman.brenda@epa.gov>

**Subject:** RE: R10 Federal Facilities Workgroup

Harry,

My initial thoughts:

## Ex. 5 - Deliberative Process and 7(e)

# Ex. 5 - Deliberative Process and 7(e)

-m

.....  
.....  
Marc Stifelman, Toxicologist  
U.S. Environmental Protection Agency, Region 10  
Office of Environmental Assessment, Risk Evaluation Unit  
1200 Sixth Avenue, Suite 1100  
Mail Stop: OEA-140  
Seattle, Washington 98101-3140  
Tele 206/553-6979  
[stifelman.marc@epa.gov](mailto:stifelman.marc@epa.gov)  
<https://scholar.google.com/citations?user=Rc6SxmIAAAAJ&hl=en>

.....  
**From:** Craig, Harry  
**Sent:** Tuesday, January 24, 2017 9:54 AM  
**To:** Stifelman, Marc <[Stifelman.Marc@epa.gov](mailto:Stifelman.Marc@epa.gov)>; Prestbo, Kim <[Prestbo.Kim@epa.gov](mailto:Prestbo.Kim@epa.gov)>; Bott, Dustan <[Bott.Dustan@epa.gov](mailto:Bott.Dustan@epa.gov)>; Buelow, Laura <[Buelow.Laura@epa.gov](mailto:Buelow.Laura@epa.gov)>; Cora, Christopher <[Cora.Christopher@epa.gov](mailto:Cora.Christopher@epa.gov)>; Einan, Dave <[Einan.David@epa.gov](mailto:Einan.David@epa.gov)>; Faulk, Dennis <[Faulk.Dennis@epa.gov](mailto:Faulk.Dennis@epa.gov)>; Halstead, Sandra <[Halstead.Sandra@epa.gov](mailto:Halstead.Sandra@epa.gov)>; Hiltner, Allison <[Hiltner.Allison@epa.gov](mailto:Hiltner.Allison@epa.gov)>; Kramer, Jackie <[Kramer.Jackie@epa.gov](mailto:Kramer.Jackie@epa.gov)>; Laija, Emerald <[Laija.Emerald@epa.gov](mailto:Laija.Emerald@epa.gov)>; Lobos, Rod <[Lobos.Rod@epa.gov](mailto:Lobos.Rod@epa.gov)>; Lynch, Kira <[lynch.kira@epa.gov](mailto:lynch.kira@epa.gov)>; Repasky, Ted <[repasky.ted@epa.gov](mailto:repasky.ted@epa.gov)>  
**Cc:** Bachman, Brenda <[bachman.brenda@epa.gov](mailto:bachman.brenda@epa.gov)>  
**Subject:** RE: R10 Federal Facilities Workgroup

Marc,

I understand you are going to cover the lead issue at RPM training. I have two specific examples I would like you to discuss with regard to the new lead memo.

At Umatilla Army Depot we previously cleaned up lead in soil from a small arms incinerator that ran without air pollution control in the 1960's. The soil lead cleanup level at the time was 500 ppm residential standard based on a 10 ug/dL blood lead criteria (see attached ROD). The objective was to have UU/UE at the end of this remediation, so there were no restrictions on land use for Base Closure.

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Thanks,

Harry

---

**From:** Stifelman, Marc

**Sent:** Monday, January 23, 2017 2:45 PM

**To:** Prestbo, Kim <[Prestbo.Kim@epa.gov](mailto:Prestbo.Kim@epa.gov)>; Bott, Dustan <[Bott.Dustan@epa.gov](mailto:Bott.Dustan@epa.gov)>; Buelow, Laura <[Buelow.Laura@epa.gov](mailto:Buelow.Laura@epa.gov)>; Cora, Christopher <[Cora.Christopher@epa.gov](mailto:Cora.Christopher@epa.gov)>; Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Einan, Dave <[Einan.David@epa.gov](mailto:Einan.David@epa.gov)>; Faulk, Dennis <[Faulk.Dennis@epa.gov](mailto:Faulk.Dennis@epa.gov)>; Halstead, Sandra <[Halstead.Sandra@epa.gov](mailto:Halstead.Sandra@epa.gov)>; Hiltner, Allison <[Hiltner.Allison@epa.gov](mailto:Hiltner.Allison@epa.gov)>; Kramer, Jackie <[Kramer.Jackie@epa.gov](mailto:Kramer.Jackie@epa.gov)>; Laija, Emerald <[Laija.Emerald@epa.gov](mailto:Laija.Emerald@epa.gov)>; Lobos, Rod <[Lobos.Rod@epa.gov](mailto:Lobos.Rod@epa.gov)>; Lynch, Kira <[lynch.kira@epa.gov](mailto:lynch.kira@epa.gov)>; Repasky, Ted <[repasky.ted@epa.gov](mailto:repasky.ted@epa.gov)>

**Subject:** RE: R10 Federal Facilities Workgroup

I'm sorry I missed today's call. I hope to catch the next one.

I look forward to seeing you at the RPM Training in two week to discuss recent changes in Lead (Pb) Policy and the Uranium (non-rad) toxicity value recommendation.

.....  
.....

Marc Stifelman, Toxicologist  
U.S. Environmental Protection Agency, Region 10  
Office of Environmental Assessment, Risk Evaluation Unit  
1200 Sixth Avenue, Suite 1100  
Mail Stop: OEA-140  
Seattle, Washington 98101-3140  
Tele 206/553-6979  
[stifelman.marc@epa.gov](mailto:stifelman.marc@epa.gov)  
<https://scholar.google.com/citations?user=Rc6SxmIAAAAJ&hl=en>

---

**From:** Prestbo, Kim

**Sent:** Monday, January 23, 2017 9:39 AM

**To:** Bott, Dustan <[Bott.Dustan@epa.gov](mailto:Bott.Dustan@epa.gov)>; Buelow, Laura <[Buelow.Laura@epa.gov](mailto:Buelow.Laura@epa.gov)>; Cora, Christopher <[Cora.Christopher@epa.gov](mailto:Cora.Christopher@epa.gov)>; Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>; Einan, Dave <[Einan.David@epa.gov](mailto:Einan.David@epa.gov)>; Faulk, Dennis <[Faulk.Dennis@epa.gov](mailto:Faulk.Dennis@epa.gov)>; Halstead, Sandra <[Halstead.Sandra@epa.gov](mailto:Halstead.Sandra@epa.gov)>; Hiltner, Allison <[Hiltner.Allison@epa.gov](mailto:Hiltner.Allison@epa.gov)>; Kramer, Jackie <[Kramer.Jackie@epa.gov](mailto:Kramer.Jackie@epa.gov)>; Laija, Emerald <[Laija.Emerald@epa.gov](mailto:Laija.Emerald@epa.gov)>; Lobos, Rod <[Lobos.Rod@epa.gov](mailto:Lobos.Rod@epa.gov)>; Lynch, Kira <[lynch.kira@epa.gov](mailto:lynch.kira@epa.gov)>; Repasky, Ted <[repasky.ted@epa.gov](mailto:repasky.ted@epa.gov)>

**Cc:** Stifelman, Marc <[Stifelman.Marc@epa.gov](mailto:Stifelman.Marc@epa.gov)>

**Subject:** FW: R10 Federal Facilities Workgroup

Good Morning all,

FF Workgroup on for today at 11:00 pst. Dave Einan will be leading the call. A couple of potential topics:

➤ Status of perchlorate – see below

➤ Recent Memo - Updated Scientific Considerations for Lead in Soil Cleanup (attached)

Open to other topics.

---

Kim Prestbo, Remedial Project Manager  
Office of Environmental Cleanup  
USEPA Region 10, Seattle  
Ph: (206) 553-0239  
[prestbo.kim@epa.gov](mailto:prestbo.kim@epa.gov)

---

**From:** Craig, Harry  
**Sent:** Tuesday, January 03, 2017 1:57 PM  
**To:** Prestbo, Kim <[Prestbo.Kim@epa.gov](mailto:Prestbo.Kim@epa.gov)>  
**Cc:** Einan, Dave <[Einan.David@epa.gov](mailto:Einan.David@epa.gov)>; Lynch, Kira <[lynch.kira@epa.gov](mailto:lynch.kira@epa.gov)>; Faulk, Dennis <[Faulk.Dennis@epa.gov](mailto:Faulk.Dennis@epa.gov)>; Hiltner, Allison <[Hiltner.Allison@epa.gov](mailto:Hiltner.Allison@epa.gov)>  
**Subject:** FW: Perchlorate Drinking Water Standard?

Kim,

We may want to discuss the status of perchlorate on the next call. See article below.

Harry

---

**From:** Craig, Harry  
**Sent:** Wednesday, December 28, 2016 1:36 PM  
**To:** Nwosu, Julius <[nwosu.julius@epa.gov](mailto:nwosu.julius@epa.gov)>; Kissinger, Lon <[Kissinger.Lon@epa.gov](mailto:Kissinger.Lon@epa.gov)>; Mayer, Kevin <[Mayer.Kevin@epa.gov](mailto:Mayer.Kevin@epa.gov)>; Mayer, Richard <[mayer.richard@epa.gov](mailto:mayer.richard@epa.gov)>  
**Subject:** Perchlorate Drinking Water Standard?

F.Y.I. – It's about time....

---

**From:** National Law Review [<mailto:info@natlawreview.com>]  
**Sent:** Wednesday, December 28, 2016 11:30 AM  
**To:** Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>  
**Subject:** Someone has sent you a message from The National Law Review

Message from sender:

*New Perchlorate regulations.*  
Published on *The National Law Review* (<http://www.natlawreview.com>)

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Article By:  
Jonathan S. King

---

US EPA recently agreed in federal court to engage in a rulemaking process over the next three-plus years which would culminate in the promulgation of final perchlorate regulations by December 19, 2019. Perchlorate remains the only unregulated contaminant for which US EPA has made a final determination to regulate since the Safe Drinking Water Act (SDWA) was amended in 1996.

Perchlorate is a highly soluble chemical in water and can move quickly from soil contamination into groundwater. It has been used by the US Department of Defense as an oxidizer in munitions and missiles since the 1940s, and 90 percent of its manufacturing is for the defense and aerospace industries. In a February 2011 declaration, US EPA determined that it should regulate perchlorate in drinking water—giving itself 24 months from that date to propose regulations and another 18 months thereafter to finalize them under the SDWA. However, due in part to the Scientific Advisory Board’s rejection of the model US EPA submitted for perchlorate regulation, these self-imposed deadlines were missed. As a result of the delay, the Natural Resources Defense Council (NRDC) filed a complaint in the US District Court for the Southern District of New York against US EPA in February 2016 to enforce the deadline for proposed perchlorate regulations for public comment.

In the NRDC case, the Agency acknowledged that it failed its legal obligations to propose and promulgate a maximum contaminant level (MCL) and maximum contaminant level goal (MCLG) as a national primary drinking water standard for perchlorate. US EPA’s agreement to promulgate perchlorate regulations by the end of 2019 is embodied in a proposed settlement agreement. Under the proposed agreement, US EPA will: (1) complete an “external peer review process” by October 18, 2017; (2) propose limits by October 31, 2018; and (3) finalize a rule by December 19, 2019. Given the amount of delay that has already occurred in promulgating federal regulations, it is somewhat surprising that NRDC accepted the length of the proposed schedule. Indeed, despite the pending settlement agreement, NRDC counsel filed its motion for summary judgment on October 12, 2016 and requested that the judge enter an order cementing US EPA’s liability and scheduling reasonable timelines for US EPA compliance.

It is noteworthy that, in likely response to national attention paid to the Flint Michigan crisis, two US House of Representatives Resolutions (H.R. 6116 and H.R. 6140) were introduced on September 22, 2016 that, if passed, would require the US EPA Administrator to publish an MCLG and promulgate a national primary drinking water regulation for perchlorate no later than 12 months following the law’s date of enactment. This proposed legislation amending the federal SDWA has the potential to expedite the rulemaking process outlined in the settlement agreement reached between US EPA and NRDC. Notably, while future federal perchlorate regulations will formally apply to the quality of drinking water measured at the tap in a home or business, the ultimate standard promulgated by US EPA bears watching by companies who are undertaking groundwater remediation associated with industrial activities, for example, as an applicable or relevant and appropriate requirement (ARAR) under CERCLA.

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Source URL: <http://www.natlawreview.com/article/proposed-settlement-agreement-requires-us-epa-to-promulgate-perchlorate-regulations>

<Small-Arms-Ranges-Lead-Bioavailability-Bannon-2009.pdf>

**To:** Williams, Molly[williams.molly@epa.gov]; Doster, Kathleen[Doster.Kathleen@epa.gov]  
**Cc:** Dixon, Chelsea[Dixon.Chelsea@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Tue 1/31/2017 8:40:10 PM  
**Subject:** RE: IPAC info.

Thank you so much, Molly!!

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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email and delete all copies of the message.

**From:** Williams, Molly

**Sent:** Tuesday, January 31, 2017 3:31 PM  
**To:** Doster, Kathleen <Doster.Kathleen@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
**Subject:** RE: IPAC info.

Hi Kathleen, sorry, I've been in meetings this afternoon...I've updated the ALC in the second section and added a couple of words. Have you talked to them to make sure they would be processing a MIPR, otherwise, your second note may not be applicable.

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**From:** Doster, Kathleen  
**Sent:** Tuesday, January 31, 2017 12:44 PM  
**To:** Williams, Molly <[williams.molly@epa.gov](mailto:williams.molly@epa.gov)>  
**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>  
**Subject:** RE: IPAC info.

Thanks so much Molly! Here is how I drafted the IPAC provisions so far –

This provision will go around paragraph (d) as you suggest below:

## **Ex. 5 and Ex. 7(a) - DPP, ACP, and Enforcement**

Thank you!

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

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**From:** Williams, Molly

**Sent:** Tuesday, January 31, 2017 11:09 AM

**To:** Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>

**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>

**Subject:** RE: IPAC info.

Hi Kathleen – IPAC is unique to federal agencies, so it really doesn't fall into the 'normal' payment options outlined in the payment terms...could you add it as another option, maybe after (d) stating

## Ex. 5 - DPP and ACP

Hope that helps!

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**From:** Doster, Kathleen  
**Sent:** Tuesday, January 31, 2017 10:59 AM  
**To:** Williams, Molly <[williams.molly@epa.gov](mailto:williams.molly@epa.gov)>  
**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>  
**Subject:** RE: IPAC info.

ATTORNEY-CLIENT PRIVILEGE

ENFORCEMENT CONFIDENTIAL

Hi Molly,

Sally Dalzell forwarded to me your email and I am hoping to give you a call to talk through this. Here is the standard language we usually use for payment of penalties by a federal agency:

**Ex. 5 - DPP and ACP**

# **Ex. 5 - DPP and ACP**

# Ex. 5 - DPP and ACP

Thanks so much for your help on this!

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

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(202) 564-2573

(202) 564-0644(fax)

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**From:** Williams, Molly  
**Sent:** Tuesday, January 31, 2017 9:13 AM  
**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** IPAC info.

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty payment. It can either be ‘pushed’ to EPA...meaning when DFAS goes to process the payment, they can submit through IPAC to EPA (just have them reference the CAFO number in the description), or if they attach an ‘accepted’ MIPR to the CAFO (meaning, it has been obligated), then our staff can go in and ‘pull’ the funds from them. DFAS would still have to process the payment in their system, but it allows the transfer of cash to occur as soon as it is entered in IPAC. If they want to use IPAC, EPA’s Agency Location Code (ALC) is 68-01-0727. If they need additional information regarding IPAC, feel free to pass along my name/number to them.

Let me know if you have any other questions or need anything else!

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)



**To:** Doster, Kathleen[Doster.Kathleen@epa.gov]  
**Cc:** Muller, Marie[MULLER.MARIE@EPA.GOV]; Leff, Karin[Leff.Karin@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Tue 1/31/2017 7:42:32 PM  
**Subject:** RE: IPAC info.

I think this looks terrific.

Thank you so much, Kathleen.

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

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<http://www.fedcenter.gov>

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**To:** Williams, Molly <williams.molly@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
**Subject:** RE: IPAC info.

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This provision will go around paragraph (d) as you suggest below:

## **Ex. 5 - DPP and ACP**

Thank you!

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

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**Sent:** Tuesday, January 31, 2017 11:09 AM

**To:** Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>

**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>

**Subject:** RE: IPAC info.

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## Ex. 5 - DPP and ACP

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Molly

Molly Williams, Supervisor

Reimbursable Branch

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Cincinnati, OH 45268

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513-487-2063 (fax)

**From:** Doster, Kathleen

**Sent:** Tuesday, January 31, 2017 10:59 AM

**To:** Williams, Molly <[williams.molly@epa.gov](mailto:williams.molly@epa.gov)>

**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>

**Subject:** RE: IPAC info.

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**Ex. 5 - DPP and ACP**

# **Ex. 5 - DPP and ACP**

# Ex. 5 - DPP and ACP

Thanks so much for your help on this!

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Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

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Thanks,

Molly

Molly Williams, Supervisor

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US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**To:** Williams, Molly[williams.molly@epa.gov]; Doster, Kathleen[Doster.Kathleen@epa.gov]  
**Cc:** Dixon, Chelsea[Dixon.Chelsea@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Tue 1/31/2017 4:24:07 PM  
**Subject:** RE: IPAC info.

Thank you, Molly and Kathleen.

I am very appreciative of all your help.

Molly, who is your supervisor?

We would like to send him/her a note about your helping us and being so responsive.

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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**From:** Williams, Molly

**Sent:** Tuesday, January 31, 2017 11:09 AM

**To:** Doster, Kathleen <Doster.Kathleen@epa.gov>

**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>

**Subject:** RE: IPAC info.

Hi Kathleen – IPAC is unique to federal agencies, so it really doesn't fall into the 'normal' payment options outlined in the payment terms...could you add it as another option, maybe after (d) stating

## Ex. 5 - DPP and ACP

Hope that helps!

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**From:** Doster, Kathleen

**Sent:** Tuesday, January 31, 2017 10:59 AM

**To:** Williams, Molly <[williams.molly@epa.gov](mailto:williams.molly@epa.gov)>

**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>

**Subject:** RE: IPAC info.

ATTORNEY-CLIENT PRIVILEGE

ENFORCEMENT CONFIDENTIAL

Hi Molly,

Sally Dalzell forwarded to me your email and I am hoping to give you a call to talk through this.  
Here is the standard language we usually use for payment of penalties by a federal agency:

**Ex. 5 - DPP and AWP**

# **Ex. 5 - DPP and AWP**

# Ex. 5 - DPP and AWP

Thanks so much for your help on this!

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

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please delete the copy you received, and do not disseminate, distribute, or otherwise use the information in this communication.

**From:** Williams, Molly  
**Sent:** Tuesday, January 31, 2017 9:13 AM  
**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** IPAC info.

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty payment. It can either be ‘pushed’ to EPA...meaning when DFAS goes to process the payment, they can submit through IPAC to EPA (just have them reference the CAFO number in the description), or if they attach an ‘accepted’ MIPR to the CAFO (meaning, it has been obligated), then our staff can go in and ‘pull’ the funds from them. DFAS would still have to process the payment in their system, but it allows the transfer of cash to occur as soon as it is entered in IPAC. If they want to use IPAC, EPA’s Agency Location Code (ALC) is 68-01-0727. If they need additional information regarding IPAC, feel free to pass along my name/number to them.

Let me know if you have any other questions or need anything else!

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**To:** Leff, Karin[Leff.Karin@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]  
**From:** Dalzell, Sally  
**Sent:** Mon 1/30/2017 10:54:51 PM  
**Subject:** RE: Heads up Reg 1 Cutler settlement to be raised by Susan Studlien

Thanks, Karin.

## Ex. 5 - Deliberative Process

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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**From:** Leff, Karin  
**Sent:** Monday, January 30, 2017 5:29 PM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** FW: Heads up Reg 1 Cutler settlement to be raised by Susan Studlien

fyi

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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**From:** Starfield, Lawrence  
**Sent:** Monday, January 30, 2017 5:24 PM  
**To:** Leff, Karin <Leff.Karin@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Subject:** RE: Heads up Reg 1 Cutler settlement to be raised by Susan Studlien

## Ex. 5 - Deliberative Process

Thanks.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

**From:** Leff, Karin

**Sent:** Monday, January 30, 2017 5:11 PM

**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>

**Subject:** Heads up Reg 1 Cutler settlement to be raised by Susan Studlien

## Ex. 5 - Deliberative Process

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

This message is CONFIDENTIAL and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

**To:** Leff, Karin[Leff.Karin@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]  
**From:** Dalzell, Sally  
**Sent:** Mon 1/23/2017 2:05:25 PM  
**Subject:** RE: Devens

Thanks, Karin.

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

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**From:** Leff, Karin  
**Sent:** Monday, January 23, 2017 9:03 AM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** FW: Devens

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

**From:** Starfield, Lawrence

**Sent:** Monday, January 23, 2017 8:56 AM

**To:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>

**Subject:** FW: Devens

## Ex. 5 - Deliberative Process

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

**From:** Szaro, Deb

**Sent:** Sunday, January 22, 2017 4:46 PM

**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>

**Cc:** Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>

**Subject:** Re: Devens

I have a couple points to clarify tomorrow morning and then I will get back to you both.

Sent from my iPhone

On Jan 22, 2017, at 3:12 PM, Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)> wrote:

Just got home. Did you work out any concerns? Let me know if I can be of help.

Larry

Sent from my Windows Phone

---

**From:** [Breen, Barry](#)  
**Sent:** 1/22/2017 1:54 PM  
**To:** [Szaro, Deb](#)  
**Cc:** [Starfield, Lawrence](#)  
**Subject:** Re: Devens

Now works for me. Here is my home number: Ex. 6 - Personal Privacy

On Jan 22, 2017, at 1:29 PM, Szaro, Deb <[Szaro.Deb@epa.gov](mailto:Szaro.Deb@epa.gov)> wrote:

I am free most of this afternoon before our 5:00 pm transition call. Just let me know what time and number to call.

**From:** Breen, Barry  
**Sent:** Sunday, January 22, 2017 12:44 PM  
**To:** Szaro, Deb <[Szaro.Deb@epa.gov](mailto:Szaro.Deb@epa.gov)>  
**Cc:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Subject:** Devens

Thanks Larry and Deb. I do have some unanswered questions. Are either of you free this any time afternoon? Let me know and I can call you.

On Jan 22, 2017, at 11:32 AM, Szaro, Deb <[Szaro.Deb@epa.gov](mailto:Szaro.Deb@epa.gov)> wrote:

Barry, I need to know if you are not OK with this ASAP. Otherwise, we are planning to issue the letter first thing on Monday.

**From:** Starfield, Lawrence  
**Sent:** Friday, January 20, 2017 10:51 AM

**To:** Szaro, Deb <[Szaro.Deb@epa.gov](mailto:Szaro.Deb@epa.gov)>; Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>  
**Subject:** FW: Please read Fwd: Fort Delsen

PRIVILEGED AND CONFIDENTIAL

Deb and Barry,

## Ex. 5 - Deliberative Process

Thanks.

Larry

Sent from my Windows Phone

---

**From:** [Leff, Karin](#)  
**Sent:** 1/20/2017 9:54 AM  
**To:** [Cozad, David](#); [Starfield, Lawrence](#)  
**Subject:** Please read Fwd: Fort Delsen

## Ex. 5 - Deliberative Process

Sent from my iPhone

Begin forwarded message:

**From:** "Walsh-Rogalski, William" <Walshrogalski.William@epa.gov>  
**Date:** January 20, 2017 at 9:15:24 AM EST  
**To:** "Olson, Bryan" <Olson.Bryan@epa.gov>  
**Cc:** "Leff, Karin" <Leff.Karin@epa.gov>, "Dalzell, Sally" <Dalzell.Sally@epa.gov>, "Loughlin, Anni" <loughlin.anni@epa.gov>, "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>  
**Subject:** Re: Fort Delsen

## Ex. 5 - DPP and AWP

## **Ex. 5 - DPP and AWP**

**To:** Yacono, Dominick G CIV CNRMA, N00L[dominick.yacono@navy.mil]  
**Cc:** Kilborn, John[Kilborn.John@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Doster, Kathleen[Doster.Kathleen@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Studlien, Susan[Studlien.Susan@epa.gov]; Klena, Jude T CIV NAVIFOR, N03OGC[jude.klena@navy.mil]; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel[michael.bobrick@navy.mil]  
**From:** Dalzell, Sally  
**Sent:** Wed 3/1/2017 2:36:00 PM  
**Subject:** RE: Cutler Proposal

Dominick:

I did not read your message before I acknowledged receipt.

I thought the attachment was your response, but it appears that you are waiting to hear back from members of your team.

Thank you for the notification.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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-----Original Message-----

From: Dalzell, Sally  
Sent: Wednesday, March 01, 2017 9:34 AM  
To: 'Yacono, Dominick G CIV CNRMA, N00L' <dominick.yacono@navy.mil>  
Cc: Kilborn, John <Kilborn.John@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>  
Subject: RE: Cutler Proposal

Dominick:

Thank you for your message.

We will look at the attachment and get back to you soon.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]  
Sent: Wednesday, March 01, 2017 9:30 AM  
To: Dalzell, Sally <Dalzell.Sally@epa.gov>  
Cc: Kilborn, John <Kilborn.John@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>  
Subject: RE: Cutler Proposal

Sally:

## Ex. 5 - Deliberative Process

Thank you.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [mailto:Dalzell.Sally@epa.gov]

Sent: Wednesday, February 22, 2017 12:40 PM

To: Yacono, Dominick G CIV CNRMA, N00L

Cc: Kilborn, John; Leff, Karin; Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan

Subject: [Non-DoD Source] Cutler Proposal

Dear Dominick:

## **Ex. 5 - Deliberative Process**

Sally Dalzell

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov> <<http://www.fedcenter.gov/>>

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**To:** Yacono, Dominick G CIV CNRMA, N00L[dominick.yacono@navy.mil]  
**Cc:** Kilborn, John[Kilborn.John@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Doster, Kathleen[Doster.Kathleen@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Studlien, Susan[Studlien.Susan@epa.gov]; Klena, Jude T CIV NAVIFOR, N03OGC[jude.klena@navy.mil]; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel[michael.bobrick@navy.mil]  
**From:** Dalzell, Sally  
**Sent:** Wed 3/1/2017 2:33:35 PM  
**Subject:** RE: Cutler Proposal

Dominick:

Thank you for your message.

We will look at the attachment and get back to you soon.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
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-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]  
Sent: Wednesday, March 01, 2017 9:30 AM  
To: Dalzell, Sally <Dalzell.Sally@epa.gov>  
Cc: Kilborn, John <Kilborn.John@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Studlien, Susan <Studlien.Susan@epa.gov>; Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>; Bobrick, Michael C CIV NAVFAC MIDLANT, Counsel <michael.bobrick@navy.mil>  
Subject: RE: Cutler Proposal

Sally:

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Thank you.

r/ Dominick

Dominick Yacono  
Associate Counsel  
Navy Region Mid-Atlantic, Office of the General Counsel  
1550 Gilbert St., Bldg. N-21, Ste. 204  
Norfolk, VA 23511  
Phone: 757-444-1395  
Fax: 757-444-5543

-----Original Message-----

From: Dalzell, Sally [mailto:Dalzell.Sally@epa.gov]  
Sent: Wednesday, February 22, 2017 12:40 PM  
To: Yacono, Dominick G CIV CNRMA, N00L  
Cc: Kilborn, John; Leff, Karin; Doster, Kathleen; Dixon, Chelsea; Muller, Marie; Studlien, Susan  
Subject: [Non-DoD Source] Cutler Proposal

Dear Dominick:

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Thank you again for speaking with us and please let us know the Navy's view of our proposed compromise.

Sally Dalzell

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov> <<http://www.fedcenter.gov/>>

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**To:** Leff, Karin[Leff.Karin@epa.gov]  
**Cc:** Olson, Bryan[Olson.Bryan@epa.gov]; Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Walsh-Rogalski, William[Walshrogalski.William@epa.gov]; Loughlin, Anni[loughlin.anni@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Fri 1/20/2017 3:59:46 PM  
**Subject:** Re: Ft Devens

Okay.

Good to know.

Sally

Sent from my iPhone

On Jan 20, 2017, at 10:56 AM, Leff, Karin <Leff.Karin@epa.gov> wrote:

## Ex. 5 - Deliberative Process

Sent from my iPhone

On Jan 20, 2017, at 10:43 AM, Olson, Bryan <Olson.Bryan@epa.gov> wrote:

**Ex. 5 - DPP and ACP** My phone is going crazy on me.

**From:** Bertrand, Charlotte  
**Sent:** Friday, January 20, 2017 10:40 AM  
**To:** Olson, Bryan <Olson.Bryan@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>  
**Subject:** Re: Stips Paragraph below .

## Ex. 5 - DPP and ACP

Sent from my iPhone

On Jan 20, 2017, at 10:37 AM, Olson, Bryan <Olson.Bryan@epa.gov> wrote:

## Ex. 5 - DPP, ACP, and AWP

## **Ex. 5 - DPP, ACP, and AWP**

Sent from my iPhone

On Jan 20, 2017, at 10:31 AM, Bertrand, Charlotte  
<[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)> wrote:

## **Ex. 5 - DPP and ACP**

Sent from my iPhone

On Jan 20, 2017, at 10:23 AM, Olson, Bryan <[Olson.Bryan@epa.gov](mailto:Olson.Bryan@epa.gov)>  
wrote:

## **Ex. 5 - DPP, ACP, and AWP**

Sent from my iPhone

On Jan 20, 2017, at 10:16 AM, Bertrand, Charlotte  
<[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)> wrote:

## **Ex. 5 - DPP and ACP**

Sent from my iPhone

On Jan 20, 2017, at 10:09 AM, Dalzell, Sally  
<[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)> wrote:

### **XXII . STIPULATED PENALTIES**

In the event that the Army fails to submit a Primary document

set forth in this Agreement to EPA pursuant to the appropriate Schedules, Timetable or Deadlines in accordance with the requirements of this Agreement, which relates to an interim or final Remedial Action, or fails to comply with a term or condition of this Agreement, EPA may assess a Stipulated Penalty against the Army . However, the EPA shall notify the Army of any request for Stipulated Penalties within thirty (30) days of the violation. The Army agrees it shall pay all assessed Stipulated Penalties not rescinded through Dispute Resolution. A Stipulated Penalty may be assessed in an amount not to exceed \$5,000 for the first week (days

<FtDevens.pdf>

Sent from my iPhone

**To:** Leff, Karin[Leff.Karin@epa.gov]  
**Cc:** Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Walsh-Rogalski, William[Walshrogalski.William@epa.gov]; Olson, Bryan[Olson.Bryan@epa.gov]; Loughlin, Anni[loughlin.anni@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Fri 1/20/2017 3:00:00 PM  
**Subject:** Re: Fort Delsen

I have charlotte inphone.

She thinks Larry should call Barry.

Sally

Sent from my iPhone

On Jan 20, 2017, at 9:55 AM, Leff, Karin <Leff.Karin@epa.gov> wrote:

## Ex. 5 - Deliberative Process

Sent from my iPhone

On Jan 20, 2017, at 9:51 AM, Dalzell, Sally <Dalzell.Sally@epa.gov> wrote:

## Ex. 5 - Deliberative Process

Sent from my iPhone

On Jan 20, 2017, at 9:37 AM, Bertrand, Charlotte <Bertrand.Charlotte@epa.gov> wrote:

## Ex. 5 - Deliberative Process

Sent from my iPhone

On Jan 20, 2017, at 9:15 AM, Walsh-Rogalski, William <Walshrogalski.William@epa.gov> wrote:

## Ex. 5 - DPP, ACP, and AWP

Thanks

Bryan Olson

---

**From:** Olson, Bryan  
**Sent:** Friday, January 20, 2017 8:17 AM  
**To:** Walsh-Rogalski, William  
**Cc:** Leff, Karin; Dalzell, Sally; Loughlin, Anni; Bertrand, Charlotte  
**Subject:** Re: Fort Delsen

I am ok with this option.

Sent from my iPhone

On Jan 20, 2017, at 8:03 AM, Walsh-Rogalski, William  
<[Walshrogalski.William@epa.gov](mailto:Walshrogalski.William@epa.gov)> wrote:

## **Ex. 5 - DPP, ACP, and AWP**

William Walsh-Rogalski, Director

Office of Environmental Review

EPA New England-Region 1

5 Post Office Square, Suite 100

Mail Code ORA 17-1

Boston, MA 02109-3912

Email: [walshrogalski.william@epa.gov](mailto:walshrogalski.william@epa.gov)

Phone: 617-918-1035

E-Fax: 617-918-0035

**From:** Leff, Karin

**Sent:** Friday, January 20, 2017 7:55 AM

**To:** Walsh-Rogalski, William <[Walshrogalski.William@epa.gov](mailto:Walshrogalski.William@epa.gov)>

**Cc:** Olson, Bryan <[Olson.Bryan@epa.gov](mailto:Olson.Bryan@epa.gov)>; Dalzell, Sally

<Dalzell.Sally@epa.gov>; Loughlin, Anni <loughlin.anni@epa.gov>;  
Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>  
**Subject:** Re: Fort Delsen

Ex. 6 - Personal Privacy

Sent from my iPhone

On Jan 20, 2017, at 7:53 AM, Walsh-Rogalski, William  
<Walshrogalski.William@epa.gov> wrote:

Karin:

If we need to talk, can you send me the number I should call  
you at. I am working from home but if you call my office  
number it should ring through to my cell.

That number is: Ex. 6 - Personal Privacy

---

**From:** Leff, Karin  
**Sent:** Friday, January 20, 2017 7:44:39 AM  
**To:** Olson, Bryan  
**Cc:** Dalzell, Sally; Walsh-Rogalski, William; Loughlin, Anni;  
Bertrand, Charlotte  
**Subject:** Re: Fort Delsen

## Ex. 5 - Deliberative Process

Sent from my iPhone

On Jan 20, 2017, at 7:33 AM, Olson, Bryan  
<Olson.Bryan@epa.gov> wrote:

Any progress on a path forward on this? Bryan

Sent from my iPhone

On Jan 19, 2017, at 12:12 PM, Dalzell, Sally  
<[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)> wrote:

## **Ex. 5 - DPP, ACP, and AWP**

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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read, print, retain, copy, or disseminate this message or  
any part of it. If you have received this message in  
error, please notify the sender immediately by email and  
delete all copies of the message.

**From:** Walsh-Rogalski, William

**Sent:** Thursday, January 19, 2017 12:09 PM

**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Leff, Karin  
<[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Olson, Bryan  
<[Olson.Bryan@epa.gov](mailto:Olson.Bryan@epa.gov)>; Loughlin, Anni  
<[loughlin.anni@epa.gov](mailto:loughlin.anni@epa.gov)>

**Subject:** RE: Fort Delsen

## Ex. 5 - DPP and ACP

William Walsh-Rogalski, Director

Office of Environmental Review

EPA New England-Region 1

5 Post Office Square, Suite 100

Mail Code ORA 17-1

Boston, MA 02109-3912

Email: [walshrogalski.william@epa.gov](mailto:walshrogalski.william@epa.gov)

Phone: 617-918-1035

E-Fax: 617-918-0035

**From:** Dalzell, Sally

**Sent:** Thursday, January 19, 2017 11:44 AM

**To:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Hunt, Stuart  
<[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>; Dixon, Chelsea  
<[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie  
<[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Bertrand, Charlotte  
<[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>; Walsh-Rogalski,  
William <[Walshrogalski.William@epa.gov](mailto:Walshrogalski.William@epa.gov)>; Olson, Brian  
<[olson.brian@epa.gov](mailto:olson.brian@epa.gov)>; brian  
<[olsen@usepa.onmicrosoft.com](mailto:olsen@usepa.onmicrosoft.com)>

**Subject:** RE: Fort Delsen

Ex. 5 - DPP, ACP, and AWP

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

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**From:** Leff, Karin

**Sent:** Thursday, January 19, 2017 11:43 AM

**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Hunt, Stuart <[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Bertrand, Charlotte <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>; Walsh-Rogalski,

William <Walshrogalski.William@epa.gov>; Olson, Brian  
<olson.brian@epa.gov>; brian  
<olsen@usepa.onmicrosoft.com>  
**Subject:** Fort Delsen

## **Ex. 5 - Deliberative Process**

Sent from my iPhone

<bwr eighth draft STIPS LETTER of january 20, 2016 .docx>

**To:** Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]  
**Cc:** Walsh-Rogalski, William[Walshrogalski.William@epa.gov]; Olson, Bryan[Olson.Bryan@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Loughlin, Anni[loughlin.anni@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Fri 1/20/2017 2:51:25 PM  
**Subject:** Re: Fort Delsen

Yes indeed that was the intended message. Bill will add another phrase to make it more explicit.

Sent from my iPhone

On Jan 20, 2017, at 9:37 AM, Bertrand, Charlotte <Bertrand.Charlotte@epa.gov> wrote:

## **Ex. 5 - Deliberative Process**

Sent from my iPhone

On Jan 20, 2017, at 9:15 AM, Walsh-Rogalski, William  
<Walshrogalski.William@epa.gov> wrote:

## **Ex. 5 - DPP, ACP, and AWP**

## **Ex. 5 - DPP, ACP, and AWP**

Thanks

Bryan Olson

---

**From:** Olson, Bryan  
**Sent:** Friday, January 20, 2017 8:17 AM  
**To:** Walsh-Rogalski, William  
**Cc:** Leff, Karin; Dalzell, Sally; Loughlin, Anni; Bertrand, Charlotte  
**Subject:** Re: Fort Delsen

I am ok with this option.

Sent from my iPhone

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<[Walshrogalski.William@epa.gov](mailto:Walshrogalski.William@epa.gov)> wrote:

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**Cc:** Olson, Bryan <[Olson.Bryan@epa.gov](mailto:Olson.Bryan@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Loughlin, Anni <[loughlin.anni@epa.gov](mailto:loughlin.anni@epa.gov)>; Bertrand, Charlotte <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>

**Subject:** Re: Fort Delsen

Ex. 6 - Personal Privacy

Sent from my iPhone

On Jan 20, 2017, at 7:53 AM, Walsh-Rogalski, William <[Walshrogalski.William@epa.gov](mailto:Walshrogalski.William@epa.gov)> wrote:

Karin:

If we need to talk, can you send me the number I should call you at. I am working from home but if you call my office number it should ring through to my cell.

That number is

Ex. 6 - Personal Privacy

---

**From:** Leff, Karin

**Sent:** Friday, January 20, 2017 7:44:39 AM

**To:** Olson, Bryan

**Cc:** Dalzell, Sally; Walsh-Rogalski, William; Loughlin, Anni; Bertrand, Charlotte

**Subject:** Re: Fort Delsen

## Ex. 5 - Deliberative Process

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Sent from my iPhone

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**Subject:** RE: Fort Delsen

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Boston, MA 02109-3912

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E-Fax: 617-918-0035

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**To:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Hunt, Stuart  
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<[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie  
<[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Bertrand, Charlotte  
<[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>; Walsh-Rogalski, William  
<[Walshrogalski.William@epa.gov](mailto:Walshrogalski.William@epa.gov)>; Olson, Brian  
<[olson.brian@epa.gov](mailto:olson.brian@epa.gov)>; brian <[olsen@usepa.onmicrosoft.com](mailto:olsen@usepa.onmicrosoft.com)>  
**Subject:** RE: Fort Delsen

Ex. 5 - DPP, ACP, and AWP

Sally M. Dalzell, Senior Counsel  
  
Federal Facilities Enforcement Office, 2261A  
  
U.S. Environmental Protection Agency  
  
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<[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>; Dixon, Chelsea  
<[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie  
<[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Bertrand, Charlotte  
<[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>; Walsh-Rogalski, William  
<[Walshrogalski.William@epa.gov](mailto:Walshrogalski.William@epa.gov)>; Olson, Brian  
<[olson.brian@epa.gov](mailto:olson.brian@epa.gov)>; brian <[olsen@usepa.onmicrosoft.com](mailto:olsen@usepa.onmicrosoft.com)>  
**Subject:** Fort Delsen

## Ex. 5 - Deliberative Process

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<bwr eighth draft STIPS LETTER of january 20, 2016 .docx>

**To:** Walsh-Rogalski, William[Walshrogalski.William@epa.gov]  
**Cc:** Leff, Karin[Leff.Karin@epa.gov]; Olson, Bryan[Olson.Bryan@epa.gov]; Loughlin, Anni[loughlin.anni@epa.gov]; Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Fri 1/20/2017 2:29:03 PM  
**Subject:** Re: Fort Delsen

I like this option.

Sally

Sent from my iPhone

On Jan 20, 2017, at 8:03 AM, Walsh-Rogalski, William <[Walshrogalski.William@epa.gov](mailto:Walshrogalski.William@epa.gov)> wrote:

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**From:** Leff, Karin

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**To:** Walsh-Rogalski, William <Walshrogalski.William@epa.gov>

**Cc:** Olson, Bryan <Olson.Bryan@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Loughlin, Anni <loughlin.anni@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>

**Subject:** Re: Fort Delsen

Ex. 6 - Personal Privacy

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Karin:

If we need to talk, can you send me the number I should call you at. I am working from home but if you call my office number it should ring through to my cell.

That number is: Ex. 6 - Personal Privacy

---

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**To:** Olson, Bryan

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## Ex. 5 - DPP and ACP

William Walsh-Rogalski, Director

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5 Post Office Square, Suite 100

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**Subject:** RE: Fort Delsen

Yes it's possible.

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

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Washington, D.C. 20004

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**Sent:** Thursday, January 19, 2017 11:43 AM

**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Hunt, Stuart <[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Bertrand, Charlotte <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>; Walsh-Rogalski, William <[Walshrogalski.William@epa.gov](mailto:Walshrogalski.William@epa.gov)>; Olson, Brian <[olson.brian@epa.gov](mailto:olson.brian@epa.gov)>; brian <[olsen@usepa.onmicrosoft.com](mailto:olsen@usepa.onmicrosoft.com)>

**Subject:** Fort Delsen

## **Ex. 5 - Deliberative Process**

Sent from my iPhone

**To:** Mach, Richard CIV OASN (EI&E), ODASN (Environment)[richard.mach@navy.mil]  
**From:** Dalzell, Sally  
**Sent:** Mon 7/17/2017 9:39:59 PM  
**Subject:** Thank you for your vm. We got word the remaining penalty amount has been processed so all is well.



Thank you, Richard. We were relieved to receive the rest of the penalty Navy agreed to pay. So, all is well there.

## **Ex. 5 - Deliberative Process**

It seems like the Navy had a meeting in June to decide what to fund.

Here is the latest you kindly provided me back in May 2017:

Richard,

## **Ex. 5 - Deliberative Process**

VR

Thank you for your help.

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

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**To:** Chalifoux, Jessica[Chalifoux.Jessica@epa.gov]  
**From:** Dalzell, Sally  
**Sent:** Tue 2/21/2017 3:21:37 PM  
**Subject:** FW: IPAC info.  
CUTLER CAFO DRAFT 2017 01 19 ffeo edits 1-31-17.docx

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

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(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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**From:** Doster, Kathleen  
**Sent:** Tuesday, January 31, 2017 4:12 PM  
**To:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
**Subject:** RE: IPAC info.

Here is some suggested language to propose to Region 1. Changes are highlighted in yellow.  
Paragraphs 44 and 45.

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

NOTICE: This communication may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient, or received this communication in error, please delete the copy you received, and do not disseminate, distribute, or otherwise use the information in this communication.

**From:** Williams, Molly

**Sent:** Tuesday, January 31, 2017 3:31 PM

**To:** Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>

**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>

**Subject:** RE: IPAC info.

Hi Kathleen, sorry, I've been in meetings this afternoon...I've updated the ALC in the second section and added a couple of words. Have you talked to them to make sure they would be processing a MIPR, otherwise, your second note may not be applicable.

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**From:** Doster, Kathleen

**Sent:** Tuesday, January 31, 2017 12:44 PM

**To:** Williams, Molly <[williams.molly@epa.gov](mailto:williams.molly@epa.gov)>

**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>

**Subject:** RE: IPAC info.

Thanks so much Molly! Here is how I drafted the IPAC provisions so far –

This provision will go around paragraph (d) as you suggest below:

## Ex. 5 - DPP and ACP

# Ex. 5 - DPP and ACP

I'm fuzzy on the actual process so I'm not sure if "signed" is the right trigger. Does the MIPR need to be submitted to IPAC?

Thank you!

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

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**From:** Williams, Molly

**Sent:** Tuesday, January 31, 2017 11:09 AM

**To:** Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>

**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>

**Subject:** RE: IPAC info.

Hi Kathleen – IPAC is unique to federal agencies, so it really doesn't fall into the 'normal' payment options outlined in the payment terms...could you add it as another option, maybe after (d) stating

## Ex. 5 - DPP and ACP

Hope that helps!

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**From:** Doster, Kathleen

**Sent:** Tuesday, January 31, 2017 10:59 AM

**To:** Williams, Molly <[williams.molly@epa.gov](mailto:williams.molly@epa.gov)>

**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>

**Subject:** RE: IPAC info.

ATTORNEY-CLIENT PRIVILEGE

ENFORCEMENT CONFIDENTIAL

Hi Molly,

Sally Dalzell forwarded to me your email and I am hoping to give you a call to talk through this. Here is the standard language we usually use for payment of penalties by a federal agency:

## **Ex. 5 - DPP and ACP**

**Ex. 5 - DPP and ACP**

**Ex. 5 - DPP and ACP**

Thanks so much for your help on this!

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

NOTICE: This communication may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient, or received this communication in error, please delete the copy you received, and do not disseminate, distribute, or otherwise use the information in this communication.

**From:** Williams, Molly

**Sent:** Tuesday, January 31, 2017 9:13 AM

**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>

**Subject:** IPAC info.

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty

payment. It can either be 'pushed' to EPA...meaning when DFAS goes to process the payment, they can submit through IPAC to EPA (just have them reference the CAFO number in the description), or if they attach an 'accepted' MIPR to the CAFO (meaning, it has been obligated), then our staff can go in and 'pull' the funds from them. DFAS would still have to process the payment in their system, but it allows the transfer of cash to occur as soon as it is entered in IPAC. If they want to use IPAC, EPA's Agency Location Code (ALC) is 68-01-0727. If they need additional information regarding IPAC, feel free to pass along my name/number to them.

Let me know if you have any other questions or need anything else!

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

**To:** Dixon, Chelsea[Dixon.Chelsea@epa.gov]  
**From:** Horowitz, Arthur  
**Sent:** Wed 8/2/2017 11:21:21 PM  
**Subject:** RE: Accepted: Federal Facility Clean Air Act Requirements for Stationar... @ Thu Sep 14, 2017 2pm - 3:30pm (EDT) (dixon.chelsea@epa.gov)

Chelsea:

My apologies for not getting back to you sooner. I was swamped today.

It looks like you sent this out via Adobe Connect Meeting Room. That would account for the meeting link and conference line number. I had thought that you were going to send out the registration link to the participants. In any case, there is no need to worry about this for now. Registering for the webinar event should take care of any issues here. We can talk about this when you return to the office next week.

Art

Arthur Horowitz

Senior Program Analyst

National Enforcement Training Institute

Office of Compliance

Office of Enforcement and Compliance Assurance

1200 Pennsylvania Avenue NW (MC 2235A)

Washington, DC 20460

202-564-2612



[NETI eLearning Center](#)

[Art's Adobe Connect Meeting Room](#)

NETI Share Point Site

Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT)

(NETI Grantee developing eLearning courses for state environmental professionals)

**From:** Dixon, Chelsea

**Sent:** Wednesday, August 02, 2017 1:16 PM

**To:** Horowitz, Arthur <Horowitz.Arthur@epa.gov>

**Subject:** FW: Accepted: Federal Facility Clean Air Act Requirements for Stationar... @ Thu Sep 14, 2017 2pm - 3:30pm (EDT) (dixon.chelsea@epa.gov)

Hi Art,

I got this response back after approving the registration for one of the webinar participants. It lists my Reservationless Plus conference call-in number along with the code below (highlighted below). We want them to just use the link, not the call-in number, so was this information supposed to go out to the participants?

Thanks,

Chelsea

Chelsea E. Dixon, Attorney-Advisor

Federal Facilities Enforcement Office

U.S. Environmental Protection Agency

WJC South 2202D

1200 Pennsylvania Ave., NW (MC 2261A)

Washington, DC 20460

(202) 564-2592

-----Original Appointment-----

**From:** Google Calendar [mailto:calendar-notification@google.com] **On Behalf Of** douglas.tranter@gsa.gov

**Sent:** Wednesday, August 02, 2017 12:51 PM

**To:** Dixon, Chelsea

**Subject:** Accepted: Federal Facility Clean Air Act Requirements for Stationar... @ Thu Sep 14, 2017 2pm - 3:30pm (EDT) (dixon.chelsea@epa.gov)

**When:** Thursday, September 14, 2017 2:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:**

douglas.tranter@gsa.gov has accepted this invitation.

## **Federal Facility Clean Air Act Requirements for Stationary Reciprocating Internal Combustion Engines (RICE) Confirmation**

We are pleased to confirm your registration for Federal Facility Clean Air Act Requirements for Stationary Reciprocating Internal Combustion Engines (RICE). We look forward to your participation.

**Event:** Federal Facility Clean Air Act Requirements for Stationary Reciprocating Internal Combustion Engines (RICE)

**Description:** Join EPA's National Webinar on Clean Air Act Stationary Reciprocating Internal Combustion Engine (RICE) requirements and learn about the public health impacts of stationary RICE and emergency generators, why EPA regulates these engines, and your specific regulatory requirements as a federal facility. EPA recently settled two enforcement cases with significant penalties against federal facilities for violating the RICE regulations. EPA is conducting this webinar in order to help other regulated federal facilities better understand their responsibilities under the RICE rules. This is your opportunity to learn, and also ask EPA staff questions about these requirements found at 40 CFR 63, Subpart ZZZZ, and 40 CFR 60, Subparts IIII and JJJJ.

**Host:** Chelsea Dixon

**When:** Thursday 14 September 2017, 02:00 PM - 03:30 PM

**Time Zone:** (GMT-05:00) Eastern Time (US and Canada) (Please note that Daylight Saving Time (+01:00 hr) is in effect during this time)

To access the event, please go to the following link at the time of the event and login with your username and password (if required) with which you have registered for this event:

<https://e>

### **Ex. 6 - Personal Privacy**

**Audio Conference Details:**

## Ex. 6 - Personal Privacy

Further Dial In Numbers :

<https://>

## Ex. 6 - Personal Privacy

Conference Number(s):

## Ex. 6 - Personal Privacy

Thank you

Chelsea Dixon

If you've never used Adobe Connect, get a quick overview:

<http://www.adobe.com/products/adobeconnect.html>

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When Thu Sep 14, 2017 2pm – 3:30pm Eastern Time

Calendar [dixon.chelsea@epa.gov](mailto:dixon.chelsea@epa.gov)

Who • [dixon.chelsea@epa.gov](mailto:dixon.chelsea@epa.gov) - organizer  
• [douglas.tranter@gsa.gov](mailto:douglas.tranter@gsa.gov) - creator

Invitation from Google Calendar

You are receiving this courtesy email at the account [dixon.chelsea@epa.gov](mailto:dixon.chelsea@epa.gov) because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

Message

---

**From:** Lindsey, William [Lindsey.William@epa.gov]  
**Sent:** 6/1/2017 9:30:15 PM  
**To:** Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Dixon, Chelsea [Dixon.Chelsea@epa.gov]  
**Subject:** RE: EPA Direct Implementation

Gracie,

**Ex. 7(e)**

Thanks,

Will

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

---

**From:** Lindsey, William  
**Sent:** Thursday, June 01, 2017 1:40 PM  
**To:** Pendleton.Gracie@epa.gov; Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
**Subject:** FW: EPA Direct Implementation

Hi Gracie,

**Ex. 7(e)**

The delegations spreadsheet is attached.

The areas that I know that EPA directly implements are as follows:

RCRA – Iowa, Alaska, PR, VI

CWA NPDES – it appears that a number of states do not have NPDES authorizations:

<https://www.epa.gov/npdes/npdes-state-program-information>

CWA NPDES at federal facilities – there are some states that don't have NPDES authorizations at FF even where they have the program otherwise: (same link as above)

SDWA UIC – there are a number of UIC nuances in the spreadsheet depending on the type of well

SDWA PWS – Wyoming and DC do not have delegated programs

RMP – A number of states that do not have (in chart)

There are some CAA nuances as well in the chart (112R1 – Statutory general duty clause that cannot be delegated)

## Ex. 7(e)

I will send another email or two.

Thanks,

Will

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

---

**From:** Moiseff, Andrew  
**Sent:** Tuesday, May 02, 2017 9:46 AM  
**To:** Lindsey, William <Lindsey.William@epa.gov>  
**Cc:** Palmer, Daniel <Palmer.Daniel@epa.gov>  
**Subject:** RE: EPA Direct Implementation

Will,

Here is the list Dan Palmer, DDD for PMOD, provided though on quick glance don't see too much mention of Federal Facilities. Hope it offers some help, or at least a starting point. Let me know if you have any further questions.

Thanks

<< File: State Authorizations 04-03-17b.xlsx >>

Andrew Moiseff  
Program Analyst  
State and Tribal Performance Branch, Office of Compliance  
Office of Enforcement and Compliance Assurance  
WJC-South, 5116A  
Tel: 202-564-3007

---

**From:** Lindsey, William  
**Sent:** Tuesday, May 02, 2017 9:07 AM  
**To:** Moiseff, Andrew <Moiseff.Andrew@epa.gov>  
**Subject:** RE: EPA Direct Implementation

Thanks! Would you mind asking for it? The reason I ask is because there are some nuances with some of this.

For example, though CO has CWA authority it does not have the authority to regulate federal facilities under the CWA:  
<https://www.epa.gov/npdes/npdes-state-program-information>

I am hoping to hunt down something that has a nuance by nuance list for DI. Even down to specific regulations. I know sometimes states may have an authority but when a new rule comes out it takes them some time to adopt that specific rule.

Do you think that type of list exists?

Thanks,

Will

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

---

**From:** Moiseff, Andrew  
**Sent:** Tuesday, May 02, 2017 8:55 AM  
**To:** Lindsey, William <[Lindsey.William@epa.gov](mailto:Lindsey.William@epa.gov)>  
**Subject:** RE: EPA Direct Implementation

Hey will,

We only review three main programs CWA NPDES, CAA Title V, and RCRA Subtitle C for which the map indicates which are DI below. After our brief initial involvement, the other branch in our division has taken it and run, and briefed the administrator the other week. They have a much more detailed list of which programs are DI for other statutes if you would like me to request it?

<< OLE Object: Picture (Device Independent Bitmap) >>

<https://www.epa.gov/compliance/state-review-framework-compliance-and-enforcement-performance>

Andrew Moiseff  
Program Analyst  
State and Tribal Performance Branch, Office of Compliance  
Office of Enforcement and Compliance Assurance  
WJC-South, 5116A  
Tel: 202-564-3007

---

**From:** Lindsey, William  
**Sent:** Tuesday, May 02, 2017 8:43 AM  
**To:** Moiseff, Andrew <[Moiseff.Andrew@epa.gov](mailto:Moiseff.Andrew@epa.gov)>  
**Subject:** EPA Direct Implementation

Hey,

As part of your effort reviewing cases that EPA has taken (as opposed to a state taking a case) did you happen to get or use a list of all the rules by state where EPA has direct implementation? If so, could you send that to me?

Thanks,

Will

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

Message

---

**From:** Ayres, Sara [Ayres.Sara@epa.gov]  
**Sent:** 6/22/2017 8:42:31 PM  
**To:** Dixon, Chelsea [Dixon.Chelsea@epa.gov]  
**Subject:** RE: RICE Webinar for Federal Facilities

Chelsea,

I'm now scheduled for two other meetings during this time, including Options Selection for one of my rules. Perhaps you can bring me up to speed afterwards if necessary? Thanks.

Sara Ayres  
Air Branch  
USEPA / OECA / OC / MAMPD  
[ayres.sara@epa.gov](mailto:ayres.sara@epa.gov)  
(312) 353-6266

-----Original Appointment-----

**From:** Dixon, Chelsea  
**Sent:** Thursday, June 08, 2017 3:07 PM  
**To:** Dixon, Chelsea; Fenn, Anne; King, Melanie; Ayres, Sara; Lancey, Susan; Crystal, Roy  
**Cc:** O'Donnell, Mary Jane; Rea, Kristi; Sansevero, Christine; Rapp, Steve; Dever, Mary  
**Subject:** RICE Webinar for Federal Facilities  
**When:** Thursday, June 29, 2017 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** 1 Ex. 6 - Personal Privacy - code Ex. 6 - Personal Privacy

I'm sorry to have to reschedule due to an unexpected conflict, but I hope this time works well for everyone.

---

Hi all,

Thank you for your willingness to work with Region I and FFEO to put together this webinar on the RICE requirements. This grew out of Region I's idea to combine their enforcement power with compliance assurance by including a notice for this webinar training in the press release for the CAA enforcement action and penalty at the Cutler site in Maine. We've found that the RICE rules have presented a challenge for the federal facility universe and wanted to take advantage of this teaching moment.

During this meeting, we'll lay out the anticipated timeframe and determine how much each office is able to contribute to the preparation. We would like to present the webinar by the end of the summer. Region I, OAQPS, and OC all have previously used/prepared materials on RICE, so we're in good shape.

Thanks again for helping out, and I look forward to talking with everyone in a couple of weeks.

Thanks,

Chelsea

Chelsea E. Dixon, Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202D

1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2592

Message

---

**From:** Lindsey, William [Lindsey.William@epa.gov]  
**Sent:** 6/1/2017 5:39:38 PM  
**To:** Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Dixon, Chelsea [Dixon.Chelsea@epa.gov]  
**Subject:** FW: EPA Direct Implementation  
**Attachments:** State Authorizations 04-03-17b.xlsx

Hi Gracie,

**Ex. 7(e)**

The delegations spreadsheet is attached.

The areas that I know that EPA directly implements are as follows:

RCRA – Iowa, Alaska, PR, VI

CWA NPDES – it appears that a number of states do not have NPDES authorizations:

<https://www.epa.gov/npdes/npdes-state-program-information>

CWA NPDES at federal facilities – there are some states that don't have NPDES authorizations at FF even where they have the program otherwise: (same link as above)

SDWA UIC – there are a number of UIC nuances in the spreadsheet depending on the type of well

SDWA PWS – Wyoming and DC do not have delegated programs

RMP – A number of states that do not have (in chart)

There are some CAA nuances as well in the chart (112R1 – Statutory general duty clause that cannot be delegated)

**Ex. 7(e)**

I will send another email or two.

Thanks,

Will

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

---

**From:** Moiseff, Andrew  
**Sent:** Tuesday, May 02, 2017 9:46 AM  
**To:** Lindsey, William <Lindsey.William@epa.gov>  
**Cc:** Palmer, Daniel <Palmer.Daniel@epa.gov>  
**Subject:** RE: EPA Direct Implementation

Will,

Here is the list Dan Palmer, DDD for PMOD, provided though on quick glance don't see too much mention of Federal Facilities. Hope it offers some help, or at least a starting point. Let me know if you have any further questions.

Thanks



State  
Authorizations 0...

Andrew Moiseff  
Program Analyst  
State and Tribal Performance Branch, Office of Compliance  
Office of Enforcement and Compliance Assurance  
WJC-South, 5116A  
Tel: 202-564-3007

---

**From:** Lindsey, William  
**Sent:** Tuesday, May 02, 2017 9:07 AM  
**To:** Moiseff, Andrew <Moiseff.Andrew@epa.gov>  
**Subject:** RE: EPA Direct Implementation

Thanks! Would you mind asking for it? The reason I ask is because there are some nuances with some of this.

For example, though CO has CWA authority it does not have the authority to regulate federal facilities under the CWA:  
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I am hoping to hunt down something that has a nuance by nuance list for DI. Even down to specific regulations. I know sometimes states may have an authority but when a new rule comes out it takes them some time to adopt that specific rule.

Do you think that type of list exists?

Thanks,

Will

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency

WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

---

**From:** Moiseff, Andrew  
**Sent:** Tuesday, May 02, 2017 8:55 AM  
**To:** Lindsey, William <[Lindsey.William@epa.gov](mailto:Lindsey.William@epa.gov)>  
**Subject:** RE: EPA Direct Implementation

Hey will,

We only review three main programs CWA NPDES, CAA Title V, and RCRA Subtitle C for which the map indicates which are DI below. After our brief initial involvement, the other branch in our division has taken it and run, and briefed the administrator the other week. They have a much more detailed list of which programs are DI for other statutes if you would like me to request it?

<< OLE Object: Picture (Device Independent Bitmap) >>

<https://www.epa.gov/compliance/state-review-framework-compliance-and-enforcement-performance>

Andrew Moiseff  
Program Analyst  
State and Tribal Performance Branch, Office of Compliance  
Office of Enforcement and Compliance Assurance  
WJC-South, 5116A  
Tel: 202-564-3007

---

**From:** Lindsey, William  
**Sent:** Tuesday, May 02, 2017 8:43 AM  
**To:** Moiseff, Andrew <[Moiseff.Andrew@epa.gov](mailto:Moiseff.Andrew@epa.gov)>  
**Subject:** EPA Direct Implementation

Hey,

As part of your effort reviewing cases that EPA has taken (as opposed to a state taking a case) did you happen to get or use a list of all the rules by state where EPA has direct implementation? If so, could you send that to me?

Thanks,

Will

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency

WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

Message

---

**From:** Lindsey, William [Lindsey.William@epa.gov]  
**Sent:** 2/23/2017 8:38:51 PM  
**To:** Dixon, Chelsea [Dixon.Chelsea@epa.gov]  
**Subject:** FW: Fort Gordon -- FW: penalty question from FFEO

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

---

**From:** Meisenbach, Caitlin  
**Sent:** Tuesday, April 05, 2016 2:57 PM  
**To:** Nowell, Valerie <Nowell.Valerie@epa.gov>  
**Cc:** Lindsey, William <Lindsey.William@epa.gov>  
**Subject:** Fort Gordon -- FW: penalty question from FFEO

Hi Valerie,

# Ex. 5 - DPP, ACP, and AWP

Thank you!

Caitlin Kelleher Meisenbach  
(202) 565 0062

---

**From:** Hermann, Caroline  
**Sent:** Friday, March 11, 2016 9:38 AM  
**To:** Meisenbach, Caitlin <Meisenbach.Caitlin@epa.gov>  
**Subject:** Re: penalty question from FFEO

Caitlin,

My apologies for the delay in getting back to you.

**Ex. 5 - DPP, ACP, and AWP**

**Ex. 5 - DPP, ACP, and AWP**

Unfortunately, I have not yet had a chance to sit

down with them and discuss, so I may have more input to add once I get that chance. These answers are still in draft form, and I will try to get a final answer to you shortly.

Thanks for your patience,  
Caroline

## **Ex. 5 - DPP, ACP, and AWP**

---

**From:** Meisenbach, Caitlin  
**Sent:** Thursday, March 3, 2016 3:02 PM  
**To:** Hermann, Caroline  
**Subject:** RE: penalty question from FFEO

Thanks, Caroline.

I'm actually heading home in a few minutes.

If you email your questions I will answer anything I can or pass any others along to the Region.

If calling is easier for you: tomorrow and Monday, I'll be at Ex. 6 - Personal Privacy I'll be back in the office Tuesday at 565-0062.

Thank you!

Caitlin Kelleher Meisenbach  
(202) 565 0062

---

**From:** Hermann, Caroline  
**Sent:** Thursday, March 03, 2016 2:51 PM  
**To:** Meisenbach, Caitlin <[Meisenbach.Caitlin@epa.gov](mailto:Meisenbach.Caitlin@epa.gov)>  
**Subject:** RE: penalty question from FFEO

Caitlin,

I have a preliminary response but I probably need some more info from you. I'll call or email you with some follow up questions.

Caroline B.C. Hermann  
U.S. EPA, OECA/OCE/SLPD  
Tel: (202) 564-2876

---

**From:** Meisenbach, Caitlin  
**Sent:** Tuesday, March 01, 2016 2:06 PM  
**To:** Hermann, Caroline <[Hermann.Caroline@epa.gov](mailto:Hermann.Caroline@epa.gov)>  
**Subject:** RE: penalty question from FFEO

Great. Thank you!

Caitlin Kelleher Meisenbach  
(202) 565 0062

---

**From:** Hermann, Caroline  
**Sent:** Tuesday, March 01, 2016 1:53 PM  
**To:** Meisenbach, Caitlin <[Meisenbach.Caitlin@epa.gov](mailto:Meisenbach.Caitlin@epa.gov)>  
**Subject:** RE: penalty question from FFEO

Hi Caitlin,

This is an interesting question. Let me get back to you on this, hopefully this week.

Caroline B.C. Hermann  
U.S. EPA, OECA/OCE/SLPD  
Tel: (202) 564-2876

**From:** Meisenbach, Caitlin  
**Sent:** Tuesday, March 01, 2016 1:28 PM  
**To:** Hermann, Caroline <[Hermann.Caroline@epa.gov](mailto:Hermann.Caroline@epa.gov)>  
**Subject:** penalty question from FFEO

Hi Caroline,

## Ex. 5 - DPP, ACP, and AWP

I'd love to hear your thoughts. You can email or, if you'd prefer, give me a call. Today I'm working at home at  
**Ex. 6 - Personal Privacy** Tomorrow I'm off but you are welcome to try me at that same number. Or I'll be back in the office on Thursday, when I can be reached at 565.0062.

Thank you!

Caitlin Kelleher Meisenbach  
Attorney Advisor  
US EPA, Office of Enforcement and Compliance Assurance  
WJCS 2202H - (202) 565 0062\*  
\*please note that my phone number is 565, rather than OECA's more common 564

Message

---

**From:** Dixon, Chelsea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2433F1F1C1E47F8B874D02665EF4F50-DIXON, CHEL]  
**Sent:** 6/22/2017 9:34:16 PM  
**To:** Ayres, Sara [Ayres.Sara@epa.gov]  
**Subject:** RE: RICE Webinar for Federal Facilities

Sure, thanks for letting me know.

Chelsea

Chelsea E. Dixon, Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202D  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2592

---

**From:** Ayres, Sara  
**Sent:** Thursday, June 22, 2017 4:43 PM  
**To:** Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
**Subject:** RE: RICE Webinar for Federal Facilities

Chelsea,

I'm now scheduled for two other meetings during this time, including Options Selection for one of my rules. Perhaps you can bring me up to speed afterwards if necessary? Thanks.

Sara Ayres  
Air Branch  
USEPA / OECA / OC / MAMPD  
[ayres.sara@epa.gov](mailto:ayres.sara@epa.gov)  
(312) 353-6266

-----Original Appointment-----

**From:** Dixon, Chelsea  
**Sent:** Thursday, June 08, 2017 3:07 PM  
**To:** Dixon, Chelsea; Fenn, Anne; King, Melanie; Ayres, Sara; Lancey, Susan; Crystal, Roy  
**Cc:** O'Donnell, Mary Jane; Rea, Kristi; Sansevero, Christine; Rapp, Steve; Dever, Mary  
**Subject:** RICE Webinar for Federal Facilities  
**When:** Thursday, June 29, 2017 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** 1 Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy

I'm sorry to have to reschedule due to an unexpected conflict, but I hope this time works well for everyone.

---

Hi all,

Thank you for your willingness to work with Region I and FFEO to put together this webinar on the RICE requirements. This grew out of Region I's idea to combine their enforcement power with compliance assurance by including a notice for this webinar training in the press release for the CAA enforcement action and penalty at the Cutler site in Maine. We've found that the RICE rules have presented a challenge for the federal facility universe and wanted to take advantage of this teaching moment.

During this meeting, we'll lay out the anticipated timeframe and determine how much each office is able to contribute to the preparation. We would like to present the webinar by the end of the summer. Region I, OAQPS, and OC all have previously used/prepared materials on RICE, so we're in good shape.

Thanks again for helping out, and I look forward to talking with everyone in a couple of weeks.

Thanks,

Chelsea

Chelsea E. Dixon, Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202D  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2592

Message

---

**From:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Sent:** 6/12/2017 6:06:48 PM  
**To:** Boyd, Andrew [Boyd.Andrew@epa.gov]; Craig, Harry [Craig.Harry@epa.gov]  
**CC:** Faulk, Dennis [Faulk.Dennis@epa.gov]; Doster, Kathleen [Doster.Kathleen@epa.gov]  
**Subject:** Re: Response due noon Tue. 6/13: Superfund Penalties for HASC

This language does work! Thank you both very much!

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Boyd, Andrew  
**Sent:** Monday, June 12, 2017 2:03 PM  
**To:** Craig, Harry  
**Cc:** Faulk, Dennis; Garvey, Melanie  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Works for me if it works for FFEO.  
Thanks  
Andy

Andrew Boyd  
U.S. EPA, Region 10  
Tel: (206) 553-1222  
boyd.andrew@epa.gov  
SENSITIVE COMMUNICATION INTENDED ONLY  
FOR USE OF RECIPIENTS NAMED ABOVE

---

**From:** Craig, Harry  
**Sent:** Monday, June 12, 2017 8:56 AM  
**To:** Boyd, Andrew <Boyd.Andrew@epa.gov>  
**Cc:** Faulk, Dennis <Faulk.Dennis@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Andy,

Here is my draft response in red, let me know if these need to be longer or more detailed. I also attached the last briefing overview FFEO did for the new FFEO Office Director on this issue.

Harry

# Ex. 5 - Deliberative Process

---

**From:** Garvey, Melanie

**Sent:** Monday, June 12, 2017 5:37 AM

**To:** Boyd, Andrew <[Boyd.Andrew@epa.gov](mailto:Boyd.Andrew@epa.gov)>; Craig, Harry <[Craig.Harry@epa.gov](mailto:Craig.Harry@epa.gov)>

**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>

**Subject:** Fw: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hi Harry and Andy-

The Office of Congressional Affairs has asked us three questions on Umatilla as it relates to the Congressional authorization to pay the stipulated penalty which are due tomorrow morning (see messages below). Can you provide input on

*Q: How close are these to meeting the obligations under the settlement?*

*Q: Provide any general background about cleanup of the site.*

Melanie Garvey

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Doster, Kathleen  
**Sent:** Monday, June 12, 2017 8:25 AM  
**To:** Garvey, Melanie  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hi, let me know if you'd like to talk through this.

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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---

**From:** Dalzell, Sally  
**Sent:** Friday, June 09, 2017 12:22 PM  
**To:** Garvey, Melanie <Garvey.Melanie@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>  
**Cc:** Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** Fwd: Response due noon Tue. 6/13: Superfund Penalties for HASC

Mel:

Would you write a summary of Umatilla? Due Tuesday.

Pls see below.

It is a one-time payment.

They also ask where is Army in complying with the settlement so maybe you and Kathleen can come up with a way to answer that?

Thank you.

Sally

Sent from my iPhone

Begin forwarded message:

**From:** "Leff, Karin" <Leff.Karin@epa.gov>  
**Date:** June 9, 2017 at 11:49:58 AM EDT  
**To:** "Folkemer, Nathaniel" <Folkemer.Nathaniel@epa.gov>  
**Cc:** "Dalzell, Sally" <Dalzell.Sally@epa.gov>, "Muller, Marie" <MULLER.MARIE@EPA.GOV>, "Pendleton, Gracie" <Pendleton.Gracie@epa.gov>, "Emmerson, Caroline" <Emmerson.Caroline@epa.gov>, "Ingram, Amir" <Ingram.Amir@epa.gov>  
**Subject: Re: Response due noon Tue. 6/13: Superfund Penalties for HASC**  
Will do

Sent from my iPhone

On Jun 9, 2017, at 11:15 AM, Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov> wrote:

FFEO,  
I believe you reviewed these two proposals back in April as part of the NDAA legislative proposals # 29 and 30 and said the proposals relate to stipulated penalties. Can you please review the three questions below from the House Armed Services Committee and provide a response by Noon on Tuesday June 13<sup>th</sup>.  
Nate

---

**From:** Janifer, Pamela  
**Sent:** Friday, June 09, 2017 11:02 AM  
**To:** Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>  
**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>  
**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?  
Q: How close are these to meeting the obligations under the settlement?  
Q: Provide any general background about cleanup of the site.

Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas  
This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility

Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**

<image002.jpg>

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

<LOG65755-UMATIL\_xml.pdf>

<LOG65756-LONGHORN\_xml.pdf>

Message

---

**From:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Sent:** 6/12/2017 4:51:49 PM  
**To:** Doster, Kathleen [Doster.Kathleen@epa.gov]  
**Subject:** Fw: Response due noon Tue. 6/13: Superfund Penalties for HASC  
**Attachments:** Umatilla NOV and Stip 2016+HCAdd.s.pptx

FYI--if we don't hear from Andy today, I think this is fine.

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Craig, Harry  
**Sent:** Monday, June 12, 2017 11:55 AM  
**To:** Boyd, Andrew  
**Cc:** Faulk, Dennis; Garvey, Melanie  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Andy,

Here is my draft response in red, let me know if these need to be longer or more detailed. I also attached the last briefing overview FFEO did for the new FFEO Office Director on this issue.

Harry

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

---

**From:** Garvey, Melanie

**Sent:** Monday, June 12, 2017 5:37 AM

**To:** Boyd, Andrew <Boyd.Andrew@epa.gov>; Craig, Harry <Craig.Harry@epa.gov>

**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>

**Subject:** Fw: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hi Harry and Andy-

The Office of Congressional Affairs has asked us three questions on Umatilla as it relates to the Congressional authorization to pay the stipulated penalty which are due tomorrow morning (see messages below). Can you provide input on

*Q: How close are these to meeting the obligations under the settlement?*

*Q: Provide any general background about cleanup of the site.*

*Melanie Garvey*

Chemical Engineer

EPA/OECA/FFEO

202-564-2579 (office)

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---

**From:** Doster, Kathleen

**Sent:** Monday, June 12, 2017 8:25 AM

**To:** Garvey, Melanie

**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hi, let me know if you'd like to talk through this.

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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**From:** Dalzell, Sally  
**Sent:** Friday, June 09, 2017 12:22 PM  
**To:** Garvey, Melanie <Garvey.Melanie@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>  
**Cc:** Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** Fwd: Response due noon Tue. 6/13: Superfund Penalties for HASC

Mel:

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Pls see below.

It is a one-time payment.

They also ask where is Army in complying with the settlement so maybe you and Kathleen can come up with a way to answer that?

Thank you.

Sally

Sent from my iPhone

Begin forwarded message:

**From:** "Leff, Karin" <Leff.Karin@epa.gov>  
**Date:** June 9, 2017 at 11:49:58 AM EDT  
**To:** "Folkemer, Nathaniel" <Folkemer.Nathaniel@epa.gov>  
**Cc:** "Dalzell, Sally" <Dalzell.Sally@epa.gov>, "Muller, Marie" <MULLER.MARIE@EPA.GOV>, "Pendleton, Gracie" <Pendleton.Gracie@epa.gov>, "Emmerson, Caroline" <Emmerson.Caroline@epa.gov>, "Ingram, Amir" <Ingram.Amir@epa.gov>  
**Subject:** Re: Response due noon Tue. 6/13: Superfund Penalties for HASC

Will do

Sent from my iPhone

On Jun 9, 2017, at 11:15 AM, Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov> wrote:

FFEO,

I believe you reviewed these two proposals back in April as part of the NDAA legislative proposals # 29 and 30 and said the proposals relate to stipulated penalties. Can you please review the three questions below from the House Armed Services Committee and provide a response by Noon on Tuesday June 13<sup>th</sup>.

Nate

---

**From:** Janifer, Pamela

**Sent:** Friday, June 09, 2017 11:02 AM

**To:** Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>

**Cc:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>

**Subject:** Superfund Penalties for HASC

All -

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Q: How close are these to meeting the obligations under the settlement?

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This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**

<image002.jpg>

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

<LOG65755-UMATIL\_xml.pdf>

<LOG65756-LONGHORN\_xml.pdf>

Message

---

**From:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Sent:** 5/9/2017 4:05:03 PM  
**To:** Jonesi, Gary [Jonesi.Gary@epa.gov]  
**CC:** Doster, Kathleen [Doster.Kathleen@epa.gov]; Smith-Watts, David [Smith-Watts.David@epa.gov]  
**Subject:** RE: Saw you called

Thank you. I will call David.

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)



United States Environmental Protection Agency

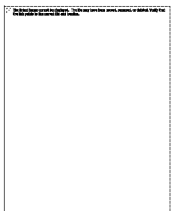
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---

**From:** Jonesi, Gary  
**Sent:** Tuesday, May 09, 2017 11:51 AM  
**To:** Garvey, Melanie <Garvey.Melanie@epa.gov>  
**Cc:** Doster, Kathleen <Doster.Kathleen@epa.gov>; Smith-Watts, David <Smith-Watts.David@epa.gov>  
**Subject:** Re: Saw you called

Can you try David Smith-Watts, who is the new lead on this? If unreachable, let me know and I'll help after my training.

--Gary



Gary A. Jonesi  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. (Rm. 4102-C)  
Washington, D.C. 20004

202-564-4002 (direct)

703-304-6392 (cell)  
[jonesi.gary@epa.gov](mailto:jonesi.gary@epa.gov)

On May 9, 2017, at 11:28 AM, Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)> wrote:

## Ex. 5 - Attorney Work Product

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)  
<image003.gif>

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---

**From:** Jonesi, Gary  
**Sent:** Tuesday, May 09, 2017 10:13 AM  
**To:** Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>  
**Subject:** Saw you called

### Ex. 6 - Personal Privacy

E-mail is best most of the day. If you want to talk in person, I get out at about 4pm.

--Gary

<image004.jpg>

<image005.png>

Gary A. Jonesi  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. (Rm. 4102-C)  
Washington, D.C. 20004

202-564-4002 (direct)  
703-304-6392 (cell)  
[jonesi.gary@epa.gov](mailto:jonesi.gary@epa.gov)

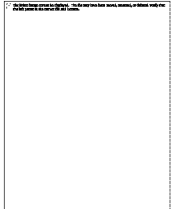
Message

---

**From:** Jonesi, Gary [Jonesi.Gary@epa.gov]  
**Sent:** 5/9/2017 3:50:51 PM  
**To:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**CC:** Doster, Kathleen [Doster.Kathleen@epa.gov]; Smith-Watts, David [Smith-Watts.David@epa.gov]  
**Subject:** Re: Saw you called

Can you try David Smith-Watts, who is the new lead on this? If unreachable, let me know and I'll help after my training.

--Gary



Gary A. Jonesi  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. (Rm. 4102-C)  
Washington, D.C. 20004

202-564-4002 (direct)  
703-304-6392 (cell)  
jonesi.gary@epa.gov

On May 9, 2017, at 11:28 AM, Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)> wrote:

## Ex. 5 - Attorney Work Product

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)  
<image003.gif>

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**From:** Jonesi, Gary  
**Sent:** Tuesday, May 09, 2017 10:13 AM  
**To:** Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>  
**Subject:** Saw you called

**Ex. 6 - Personal Privacy**

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--Gary

<image004.jpg>

<image005.png>

Gary A. Jonesi  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. (Rm. 4102-C)  
Washington, D.C. 20004

202-564-4002 (direct)  
703-304-6392 (cell)  
[jonesi.gary@epa.gov](mailto:jonesi.gary@epa.gov)

Message

---

**From:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Sent:** 5/9/2017 3:28:09 PM  
**To:** Jonesi, Gary [Jonesi.Gary@epa.gov]  
**CC:** Doster, Kathleen [Doster.Kathleen@epa.gov]  
**Subject:** RE: Saw you called

## Ex. 5 - Attorney Work Product

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)



United States Environmental Protection Agency

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---

**From:** Jonesi, Gary  
**Sent:** Tuesday, May 09, 2017 10:13 AM  
**To:** Garvey, Melanie <Garvey.Melanie@epa.gov>  
**Subject:** Saw you called

### Ex. 6 - Personal Privacy

E-mail is best most of the day. If you want to talk in person, I get out at about 4pm.

--Gary



Be kind to the environment.  
Please do not print this email unless necessary.

Gary A. Jonesi  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. (Rm. 4102-C)  
Washington, D.C. 20004

202-564-4002 (direct)

703-304-6392 (cell)

[jonesi.gary@epa.gov](mailto:jonesi.gary@epa.gov)

Message

---

**From:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Sent:** 2/2/2017 8:21:25 PM  
**To:** Vidargas, Nick [Vidargas.Nick@epa.gov]  
**CC:** Doster, Kathleen [Doster.Kathleen@epa.gov]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Subject:** Fw: IPAC info.

Hi Nick-

Kathleen is working on another case in which the Navy is going to submit a payment through the IPAC system once it has signed its MIPR (that is a term that the Air National Guard probably knows). Her contact on that is Molly Williams the Supervisor in the Reimbursable Branch in OCFO in Cincinnati. The message below contains some draft language. I am going to send your message to Molly Williams to ask her if she would be willing to contact the Guard's finance contact on how to pay the penalty electronically or through the IPAC system.

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Doster, Kathleen  
**Sent:** Wednesday, February 1, 2017 10:07 AM  
**To:** Garvey, Melanie; Pendleton, Gracie  
**Subject:** FW: IPAC info.

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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---

**From:** Williams, Molly  
**Sent:** Tuesday, January 31, 2017 4:15 PM  
**To:** Doster, Kathleen <Doster.Kathleen@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
**Subject:** RE: IPAC info.

Once they have signed the MIPR – the Navy should be providing a copy to DFAS. DFAS then should initiate the IPAC to EPA, or EPA can then go and ‘pull’ the money from them. We just also need to get their ALC if EPA is going to initiate it. If they can provide a DFAS contact, I would be happy to work with them to make sure the money gets to us.

Molly

Molly Williams, Supervisor  
Reimbursable Branch  
US EPA/OCFO/OC/CFC/RB  
26 W MLK Drive, MS-002  
Cincinnati, OH 45268  
513-487-2076  
513-487-2063 (fax)

---

**From:** Doster, Kathleen  
**Sent:** Tuesday, January 31, 2017 4:12 PM  
**To:** Williams, Molly <[williams.molly@epa.gov](mailto:williams.molly@epa.gov)>  
**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>  
**Subject:** RE: IPAC info.

Thanks so much Molly! Once the federal agency signs the MIPR, how does the money get into IPAC?

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
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---

**From:** Williams, Molly  
**Sent:** Tuesday, January 31, 2017 3:31 PM  
**To:** Doster, Kathleen <Doster.Kathleen@epa.gov>  
**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>  
**Subject:** RE: IPAC info.

Hi Kathleen, sorry, I’ve been in meetings this afternoon...I’ve updated the ALC in the second section and added a couple of words. Have you talked to them to make sure they would be processing a MIPR, otherwise, your second note may not be applicable.

Thanks,  
Molly

Molly Williams, Supervisor  
Reimbursable Branch  
US EPA/OCFO/OC/CFC/RB  
26 W MLK Drive, MS-002  
Cincinnati, OH 45268  
513-487-2076  
513-487-2063 (fax)

---

**From:** Doster, Kathleen  
**Sent:** Tuesday, January 31, 2017 12:44 PM  
**To:** Williams, Molly <[williams.molly@epa.gov](mailto:williams.molly@epa.gov)>  
**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>  
**Subject:** RE: IPAC info.

Thanks so much Molly! Here is how I drafted the IPAC provisions so far –

This provision will go around paragraph (d) as you suggest below:

# Ex. 5 - DPP and ACP

I'm fuzzy on the actual process so I'm not sure if "signed" is the right trigger. Does the MIPR need to be submitted to IPAC?

Thank you!

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
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---

**From:** Williams, Molly  
**Sent:** Tuesday, January 31, 2017 11:09 AM  
**To:** Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>  
**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>  
**Subject:** RE: IPAC info.

Hi Kathleen – IPAC is unique to federal agencies, so it really doesn't fall into the 'normal' payment options outlined in the payment terms...could you add it as another option, maybe after (d) stating

## Ex. 5 - DPP and ACP

Hope that helps!

Molly

Molly Williams, Supervisor  
Reimbursable Branch  
US EPA/OCFO/OC/CFC/RB  
26 W MLK Drive, MS-002  
Cincinnati, OH 45268  
513-487-2076  
513-487-2063 (fax)

---

**From:** Doster, Kathleen  
**Sent:** Tuesday, January 31, 2017 10:59 AM  
**To:** Williams, Molly <[williams.molly@epa.gov](mailto:williams.molly@epa.gov)>  
**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Dixon, Chelsea <[Dixon.Chelsea@epa.gov](mailto:Dixon.Chelsea@epa.gov)>  
**Subject:** RE: IPAC info.

ATTORNEY-CLIENT PRIVILEGE  
ENFORCEMENT CONFIDENTIAL

Hi Molly,

Sally Dalzell forwarded to me your email and I am hoping to give you a call to talk through this. Here is the standard language we usually use for payment of penalties by a federal agency:

## Ex. 5 - DPP and ACP

# Ex. 5 - DPP and ACP

Thanks so much for your help on this!

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
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Washington, D.C. 20460  
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---

**From:** Williams, Molly  
**Sent:** Tuesday, January 31, 2017 9:13 AM  
**To:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** IPAC info.

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty payment. It can either be ‘pushed’ to EPA...meaning when DFAS goes to process the payment, they can submit through IPAC to EPA (just have them reference the CAFO number in the description), or if they attach an ‘accepted’ MIPR to the CAFO (meaning, it has been obligated), then our staff can go in and ‘pull’ the funds from them. DFAS would still have to process the payment in their system, but it allows the transfer of cash to occur as soon as it is entered in IPAC. If they want to use IPAC, EPA’s Agency Location Code (ALC) is 68-01-0727. If they need additional information regarding IPAC, feel free to pass along my name/number to them.

Let me know if you have any other questions or need anything else!

Thanks,  
Molly

Molly Williams, Supervisor  
Reimbursable Branch  
US EPA/OCFO/OC/CFC/RB  
26 W MLK Drive, MS-002  
Cincinnati, OH 45268  
513-487-2076  
513-487-2063 (fax)

**To:** Doster, Kathleen[Doster.Kathleen@epa.gov]  
**From:** Stahle, Susan  
**Sent:** Wed 3/1/2017 10:20:40 PM  
**Subject:** RE: CAA Interest Analysis  
Section 113(d)(5) - Response for Region 3.docx

Hi Kathleen –

I am not familiar with that tool but thanks for the link, I'll check it out.

I have no problems with you adding that document to the website. In case it helps, I am sending you the Word Document I had originally sent to OECA. I believe the content is the same as what was in the email, but I believe the formatting was lost in translation.

Susan Stahle

Attorney-Advisor

Air and Radiation Law Office

Office of General Counsel

U.S. Environmental Protection Agency

202-564-1272 (ph)

202-564-5603 (fax)

stahle.susan@epa.gov

**From:** Doster, Kathleen  
**Sent:** Tuesday, February 28, 2017 3:37 PM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Subject:** CAA Interest Analysis

Hi Susan,

Are you familiar with FFEO's Toolbox Share Point site?

<https://i>

**Ex. 6 - Personal Privacy**

I would like to add your

**Ex. 5 - DPP and ACP**

**Ex. 5 - DPP and ACP**

to the Toolbox

**Ex. 5 - DPP and ACP**

**Ex. 5 - DPP and ACP**

The Toolbox is internal-EPA only and is a resource for Regional attorneys on enforcement authority questions, model documents etc.

If you have any concerns with me adding the attachment, just let me know, thanks!

Kathleen

---

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

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**To:** Miles, Erin[Miles.Erin@epa.gov]  
**Cc:** Lucas, Catherine[Lucas.Catherine@epa.gov]  
**From:** Leff, Karin  
**Sent:** Wed 3/22/2017 10:49:10 PM  
**Subject:** Re: Weekly Reports to the Administrator - Reminder and Info

Under last week highlights

## Ex. 5 - Deliberative Process

On March 21-23, the Federal Facilities Enforcement Office met with the Regional and Headquarters Federal Facility Leadership Council, and on Wednesday afternoon were joined by representatives from DoD and the services.

Sent from my iPhone

On Mar 21, 2017, at 8:11 AM, Miles, Erin <[Miles.Erin@epa.gov](mailto:Miles.Erin@epa.gov)> wrote:

Hi Everyone,

Just a reminder to please send your weekly items to me by COB tomorrow. In your write ups, please be sure to include specific dates and location, if relevant (e.g., state or Region).

Also, we received more guidance this week from the AO. There are now 4 categories, but I don't think the change should impact your submissions too much. Please take a look though and craft your submissions accordingly. Note that the "Last Week Highlights" are items that have occurred since our last submitted report, so we should aim for Thurs/Friday of last week – Thursday of the current week time period.

## Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

Thank you!

Erin

**To:** Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US)[richard.l.morris56.civ@mail.mil]; Ogle, Kimberly[Ogle.Kimberly@epa.gov]  
**Cc:** Garvey, Melanie[Garvey.Melanie@epa.gov]; Carter, Tracy R CIV (US)[tracy.r.carter3.civ@mail.mil]; Dick, Eric M CIV USARMY USAG (US)[eric.m.dick2.civ@mail.mil]; Dick, Eric M CIV USARMY USAG (US)[eric.m.dick2.civ@mail.mil]  
**From:** Doster, Kathleen  
**Sent:** Tue 8/8/2017 6:58:35 PM  
**Subject:** RE: SNC Status of Ft. Wainwright (UNCLASSIFIED)

Thanks Rich, let's use the following conference number at 12:00 EDT on Thursday:

Ex. 6 - Personal Privacy

Thank you for working around my leave time and I look forward to talking to all of you on Thursday.

Kathleen

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
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-----Original Message-----

From: Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US)  
[mailto:richard.l.morris56.civ@mail.mil]  
Sent: Tuesday, August 08, 2017 2:41 PM  
To: Doster, Kathleen <Doster.Kathleen@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>  
Cc: Garvey, Melanie <Garvey.Melanie@epa.gov>; Carter, Tracy R CIV (US)  
<tracy.r.carter3.civ@mail.mil>; Dick, Eric M CIV USARMY USAG (US) <eric.m.dick2.civ@mail.mil>; Dick, Eric M CIV USARMY USAG (US) <eric.m.dick2.civ@mail.mil>  
Subject: RE: SNC Status of Ft. Wainwright (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Kathleen,

## Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process We look forward to talking with y'all on Thursday.

Rich Morris  
(907) 361-4213  
richard.l.morris56.civ@mail.mil

-----Original Message-----

From: Doster, Kathleen [mailto:Doster.Kathleen@epa.gov]  
Sent: Tuesday, August 08, 2017 8:56 AM  
To: Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US) <richard.l.morris56.civ@mail.mil>;  
Ogle, Kimberly <Ogle.Kimberly@epa.gov>  
Cc: Garvey, Melanie <Garvey.Melanie@epa.gov>  
Subject: [Non-DoD Source] RE: SNC Status of Ft. Wainwright (UNCLASSIFIED)

Hi Rich,

Thanks very much for your email. I am the staff attorney assigned to this RCRA case so you may want to have your attorney on the call as well.

## Ex. 5 - Deliberative Process

Thank you for your willingness to participate in the conference and I look forward to talking on Thursday. I will send out call-in information shortly.

Thanks, Kathleen

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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-----Original Message-----

From: Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US)  
[mailto:richard.l.morris56.civ@mail.mil]  
Sent: Monday, August 07, 2017 1:53 PM  
To: Doster, Kathleen <Doster.Kathleen@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>  
Cc: Garvey, Melanie <Garvey.Melanie@epa.gov>  
Subject: RE: SNC Status of Ft. Wainwright (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hey Kathleen,

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Rich Morris  
(907) 361-4213  
richard.l.morris56.civ@mail.mil

-----Original Message-----

From: Doster, Kathleen [mailto:Doster.Kathleen@epa.gov]  
Sent: Monday, August 07, 2017 8:53 AM  
To: Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US) <richard.l.morris56.civ@mail.mil>;  
Ogle, Kimberly <Ogle.Kimberly@epa.gov>  
Cc: Moncrief, Heather H CIV USARMY IMCOM PACIFIC (US) <heather.h.moncrief.civ@mail.mil>;  
Garvey, Melanie <Garvey.Melanie@epa.gov>  
Subject: [Non-DoD Source] RE: SNC Status of Ft. Wainwright (UNCLASSIFIED)

Hi Rich,

# Ex. 5 - Deliberative Process

Thank you, Kathleen Doster

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
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-----Original Message-----

From: Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US)  
[mailto:richard.l.morris56.civ@mail.mil]  
Sent: Friday, August 04, 2017 12:41 PM  
To: Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>

Cc: Moncrief, Heather H CIV USARMY IMCOM PACIFIC (US) <heather.h.moncrief.civ@mail.mil>  
Subject: RE: SNC Status of Ft. Wainwright (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hey Kim/Kathleen,

No problem. I just wanted to make sure that we met the suspense in the event you were out on extended leave since the notice indicated you needed to hear from us within 14 days of the date of the notice. We still haven't heard whether the new Commander has received the certified mail, so I wanted to avoid that delay. Next week is fine. Thanks and have a great weekend.

Rich Morris  
(907) 361-4213  
richard.l.morris56.civ@mail.mil

-----Original Message-----

From: Ogle, Kimberly [mailto:Ogle.Kimberly@epa.gov]  
Sent: Friday, August 04, 2017 8:06 AM  
To: Kowalski, Ed <Kowalski.Edward@epa.gov>  
Cc: Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US) <richard.l.morris56.civ@mail.mil>;  
Doster, Kathleen <Doster.Kathleen@epa.gov>; McBride, Michelle <mcbride.michelle@epa.gov>;  
Moncrief, Heather H CIV USARMY IMCOM PACIFIC (US) <heather.h.moncrief.civ@mail.mil>;  
Sponseller, Tim A CIV USARMY USAG (US) <tim.a.sponseller.civ@mail.mil>; Jenemann, Gregory A MAJ  
USARMY 25 ID 1 SBCT (US) <gregory.a.jenemann.mil@mail.mil>; Carter, Tracy R CIV (US)  
<tracy.r.carter3.civ@mail.mil>; Garvey, Melanie <Garvey.Melanie@epa.gov>  
Subject: [Non-DoD Source] Re: SNC Status of Ft. Wainwright (UNCLASSIFIED)

Rich--apologies. I have a call into a person at hq who can see their calendars, to see if I can schedule something. My fear is that it may need to wait until Monday when they return.

Sent from my iPhone

> On Aug 3, 2017, at 11:46 AM, Kowalski, Ed <Kowalski.Edward@epa.gov> wrote:

>

> Rich, this will acknowledge receipt of your message. I see that Kathleen is out of the office until Monday and Kim is out until tomorrow. Since Kathleen is the individual handling this matter, I will let her get back to you regarding the scheduling of the conference. However, I did want to acknowledge that we have received your request for the teleconference.--Ed

>

> Edward J. Kowalski  
> Director  
> Office of Compliance and Enforcement  
> EPA Region 10  
> Seattle, WA 98101  
> (206) 553-6695

>

> -----Original Message-----

> From: Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US)  
[mailto:richard.l.morris56.civ@mail.mil]  
> Sent: Thursday, August 03, 2017 11:29 AM  
> To: Kowalski, Ed <Kowalski.Edward@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Doster,  
Kathleen <Doster.Kathleen@epa.gov>; McBride, Michelle <mcbride.michelle@epa.gov>  
> Cc: Moncrief, Heather H CIV USARMY IMCOM PACIFIC (US) <heather.h.moncrief.civ@mail.mil>;  
Sponseller, Tim A CIV USARMY USAG (US) <tim.a.sponseller.civ@mail.mil>; Jenemann, Gregory A MAJ  
USARMY 25 ID 1 SBCT (US) <gregory.a.jenemann.mil@mail.mil>; Carter, Tracy R CIV (US)

<tracy.r.carter3.civ@mail.mil>  
> Subject: RE: SNC Status of Ft. Wainwright (UNCLASSIFIED)  
>  
> CLASSIFICATION: UNCLASSIFIED  
>  
> Ed/Kim/Kathleen,

## Ex. 5 - Deliberative Process

> Rich Morris  
> (907) 361-4213  
> richard.l.morris56.civ@mail.mil  
>  
>  
> -----Original Message-----  
> From: McBride, Michelle [mailto:mcbride.michelle@epa.gov]  
> Sent: Thursday, July 27, 2017 12:11 PM  
> To: Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US) <richard.l.morris56.civ@mail.mil>;  
Moncrief, Heather H CIV USARMY IMCOM PACIFIC (US) <heather.h.moncrief.civ@mail.mil>  
> Subject: [Non-DoD Source] Fort Wainwright and North Haven prefilig settlement letter  
>  
> Good afternoon,  
>  
>  
>  
> Please see attached.  
>  
>  
>  
> Thanks,  
>  
>  
>  
> Michelle McBride  
>  
> Administrative Specialist  
>  
> (206) 553-4269  
>  
> mcbride.michelle@epa.gov  
>  
>  
>  
> EPA Region 10  
>  
> 1200 Sixth Avenue  
>  
> Suite 900, M/S: OCE-101  
>  
> Seattle, WA 98101-3188  
>  
>  
>

> CLASSIFICATION: UNCLASSIFIED  
CLASSIFICATION: UNCLASSIFIED  
CLASSIFICATION: UNCLASSIFIED  
CLASSIFICATION: UNCLASSIFIED

**To:** Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US)[richard.l.morris56.civ@mail.mil];  
Ogle, Kimberly[Ogle.Kimberly@epa.gov]  
**Cc:** Garvey, Melanie[Garvey.Melanie@epa.gov]  
**From:** Doster, Kathleen  
**Sent:** Tue 8/8/2017 4:56:03 PM  
**Subject:** RE: SNC Status of Ft. Wainwright (UNCLASSIFIED)

Hi Rich,

Thanks very much for your email. I am the staff attorney assigned to this RCRA case so you may want to have your attorney on the call as well.

## Ex. 5 - Deliberative Process

Thank you for your willingness to participate in the conference and I look forward to talking on Thursday. I will send out call-in information shortly.

Thanks, Kathleen

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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-----Original Message-----

From: Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US)  
[mailto:richard.l.morris56.civ@mail.mil]  
Sent: Monday, August 07, 2017 1:53 PM  
To: Doster, Kathleen <Doster.Kathleen@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>  
Cc: Garvey, Melanie <Garvey.Melanie@epa.gov>  
Subject: RE: SNC Status of Ft. Wainwright (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hey Kathleen,

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Rich Morris  
(907) 361-4213  
richard.l.morris56.civ@mail.mil

-----Original Message-----

From: Doster, Kathleen [mailto:Doster.Kathleen@epa.gov]  
Sent: Monday, August 07, 2017 8:53 AM  
To: Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US) <richard.l.morris56.civ@mail.mil>;  
Ogle, Kimberly <Ogle.Kimberly@epa.gov>  
Cc: Moncrief, Heather H CIV USARMY IMCOM PACIFIC (US) <heather.h.moncrief.civ@mail.mil>;  
Garvey, Melanie <Garvey.Melanie@epa.gov>  
Subject: [Non-DoD Source] RE: SNC Status of Ft. Wainwright (UNCLASSIFIED)

Hi Rich,

# Ex. 5 - Deliberative Process

Thank you, Kathleen Doster

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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-----Original Message-----

From: Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US)  
[mailto:richard.l.morris56.civ@mail.mil]  
Sent: Friday, August 04, 2017 12:41 PM  
To: Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>  
Cc: Moncrief, Heather H CIV USARMY IMCOM PACIFIC (US) <heather.h.moncrief.civ@mail.mil>

Subject: RE: SNC Status of Ft. Wainwright (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hey Kim/Kathleen,

No problem. I just wanted to make sure that we met the suspense in the event you were out on extended leave since the notice indicated you needed to hear from us within 14 days of the date of the notice. We still haven't heard whether the new Commander has received the certified mail, so I wanted to avoid that delay. Next week is fine. Thanks and have a great weekend.

Rich Morris  
(907) 361-4213  
richard.l.morris56.civ@mail.mil

-----Original Message-----

From: Ogle, Kimberly [mailto:Ogle.Kimberly@epa.gov]  
Sent: Friday, August 04, 2017 8:06 AM  
To: Kowalski, Ed <Kowalski.Edward@epa.gov>  
Cc: Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US) <richard.l.morris56.civ@mail.mil>;  
Doster, Kathleen <Doster.Kathleen@epa.gov>; McBride, Michelle <mcbride.michelle@epa.gov>;  
Moncrief, Heather H CIV USARMY IMCOM PACIFIC (US) <heather.h.moncrief.civ@mail.mil>;  
Sponseller, Tim A CIV USARMY USAG (US) <tim.a.sponseller.civ@mail.mil>; Jenemann, Gregory A MAJ  
USARMY 25 ID 1 SBCT (US) <gregory.a.jenemann.mil@mail.mil>; Carter, Tracy R CIV (US)  
<tracy.r.carter3.civ@mail.mil>; Garvey, Melanie <Garvey.Melanie@epa.gov>  
Subject: [Non-DoD Source] Re: SNC Status of Ft. Wainwright (UNCLASSIFIED)

Rich--apologies. I have a call into a person at hq who can see their calendars, to see if I can schedule something. My fear is that it may need to wait until Monday when they return.

Sent from my iPhone

> On Aug 3, 2017, at 11:46 AM, Kowalski, Ed <Kowalski.Edward@epa.gov> wrote:

>

> Rich, this will acknowledge receipt of your message. I see that Kathleen is out of the office until Monday and Kim is out until tomorrow. Since Kathleen is the individual handling this matter, I will let her get back to you regarding the scheduling of the conference. However, I did want to acknowledge that we have received your request for the teleconference.--Ed

>

> Edward J. Kowalski  
> Director  
> Office of Compliance and Enforcement  
> EPA Region 10  
> Seattle, WA 98101  
> (206) 553-6695

>

> -----Original Message-----

> From: Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US)  
[mailto:richard.l.morris56.civ@mail.mil]  
> Sent: Thursday, August 03, 2017 11:29 AM  
> To: Kowalski, Ed <Kowalski.Edward@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Doster,  
Kathleen <Doster.Kathleen@epa.gov>; McBride, Michelle <mcbride.michelle@epa.gov>  
> Cc: Moncrief, Heather H CIV USARMY IMCOM PACIFIC (US) <heather.h.moncrief.civ@mail.mil>;  
Sponseller, Tim A CIV USARMY USAG (US) <tim.a.sponseller.civ@mail.mil>; Jenemann, Gregory A MAJ  
USARMY 25 ID 1 SBCT (US) <gregory.a.jenemann.mil@mail.mil>; Carter, Tracy R CIV (US)  
<tracy.r.carter3.civ@mail.mil>

> Subject: RE: SNC Status of Ft. Wainwright (UNCLASSIFIED)  
>  
> CLASSIFICATION: UNCLASSIFIED  
>  
> Ed/Kim/Kathleen,

## Ex. 5 - Deliberative Process

> Rich Morris  
> (907) 361-4213  
> richard.l.morris56.civ@mail.mil  
>  
>  
> -----Original Message-----  
> From: McBride, Michelle [mailto:mcbride.michelle@epa.gov]  
> Sent: Thursday, July 27, 2017 12:11 PM  
> To: Morris, Richard L (Rich) CIV USARMY IMCOM PACIFIC (US) <richard.l.morris56.civ@mail.mil>;  
Moncrief, Heather H CIV USARMY IMCOM PACIFIC (US) <heather.h.moncrief.civ@mail.mil>  
> Subject: [Non-DoD Source] Fort Wainwright and North Haven prefilng settlement letter  
>  
> Good afternoon,  
>  
>  
>  
> Please see attached.  
>  
>  
>  
> Thanks,  
>  
>  
>  
> Michelle McBride  
>  
> Administrative Specialist  
>  
> (206) 553-4269  
>  
> mcbride.michelle@epa.gov  
>  
>  
>  
> EPA Region 10  
>  
> 1200 Sixth Avenue  
>  
> Suite 900, M/S: OCE-101  
>  
> Seattle, WA 98101-3188  
>  
>  
>  
> CLASSIFICATION: UNCLASSIFIED

CLASSIFICATION: UNCLASSIFIED  
CLASSIFICATION: UNCLASSIFIED

Message

---

**From:** Doster, Kathleen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EE143E2AC8D8474488A6E2B5608EC8D0-KDOSTER]  
**Sent:** 6/5/2017 5:09:47 PM  
**To:** Ronquillo, Manuel [Ronquillo.Manuel@epa.gov]  
**Subject:** RE: Special Accounts at FFs

Great, let me know if anything else comes up. RMA was not on my radar, I just heard about it recently.

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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---

**From:** Ronquillo, Manuel  
**Sent:** Monday, June 05, 2017 1:01 PM  
**To:** Doster, Kathleen <Doster.Kathleen@epa.gov>  
**Subject:** RE: Special Accounts at FFs

Thanks, Kathleen. I'm certainly in the loop on the TCAP stuff, I was just wondering about the two instances where funds had already gone into a special account (that would be for RMA and Jackson Park).

**Ex. 5 - DPP and ACP**

**Ex. 5 - DPP and ACP**

**Ex. 5 - DPP and ACP**

Thanks again, I think this email provides all the info I was looking for.

Manuel Ronquillo  
Ph: (202) 564-6065

---

**From:** Doster, Kathleen  
**Sent:** Monday, June 05, 2017 12:31 PM  
**To:** Ronquillo, Manuel <Ronquillo.Manuel@epa.gov>  
**Subject:** RE: Special Accounts at FFs

Hi Manuel,

The two FFAs that provide for the recovery of oversight costs are the Twin Cities Army Ammunition Plant (TCAAP) and Rocky Mountain Arsenal FFAs.

I know we have discussed TCAAP in the past. The Army did pay some oversight costs into the Superfund Trust Fund pursuant to the 1987 FFA but then stopped for many, many years. We went over to the Office of Legal Counsel on the issue of whether there were any legal impediments to the Army paying EPA's oversight costs and received a favorable decision. Region 5 sent a letter to the Army in February seeking past oversight costs. The Army has still not paid that bill (so far).

The Rocky Mountain Arsenal FFA (signed in 1989) came to my attention recently. This FFA is signed by EPA, the Army, DOI, ATSDR, DOJ, and Shell Oil Company (to our knowledge, this is the only FFA where a private party signed an FFA due to litigation as we understand it – Miles Flynt of DOJ signed to give you an idea how unusual this is). The FFA references a Settlement Agreement between EPA, the Army and Shell. In the Purpose Section of the FFA, paragraph 2.5 states: “To assist in the performance of [EPA responsibilities at this site and under this Agreement in accordance with Section 120 of CERCLA], the Army and Shell agree to pay EPA Costs as defined in the Settlement Agreement payable and pursuant to Section XII of the Settlement Agreement.”

Some relevant language in the Settlement Agreement:

This Settlement Agreement thus provides a mechanism for resolving disputes between the United States and Shell, provides for payment by the Army and Shell of certain costs incurred by other federal agencies at the Arsenal, establishes a process for allocation and payment of costs of Response Actions and residual Natural Resource Damages resulting from releases of hazardous substances at or from the Arsenal, and provides for judicial review in accordance with CERCLA.

"Allocable Costs" means (1) all Response Costs, including Data Management Costs, but excluding all Army-only Response Costs and all Shell-Only Response Costs; (2) all Off-Site Response Costs; (3) all EPA Costs, ATSDR Costs and DOT Costs; (4) all Natural Resource Damages Assessment Costs; (a) Natural Resource Damages; (6) the salary and benefits, if any, of the Custodian of the JARDF; (7), if the Central Repository is located off the Arsenal, all costs associated with the Central Repository and the JARDF (if the JARDF is also located off the Arsenal), including without limitation costs for office space and utilities, but excluding: (a) all Army-Only Response Costs and Shell-Only Response Costs associated with the Central Repository and the JARDF; (b) all salaries and any benefits of the clerk or clerks of the Central Repository and the JARDF; and (c) all office supplies used by them in the performance of their official duties; and (8) all other costs that the Army and Shell may agree in writing constitute Allocable Costs.

EPA Costs are defined as: all costs incurred by EPA or its Contractors on or after October 1, 1987, in carrying out its responsibilities in providing technical assistance for any activity in connection with this Settlement Agreement or the Federal Facility Agreement. The term does not include any costs incurred by EPA solely to pursue an enforcement action or to defend against litigation brought by Shell.

The United States has already paid its share of the first \$52 million of Allocable Costs. Shell shall be deemed to have paid its share of the first \$52 million of Allocable Costs upon payment to the United States of the sum of \$20 million in accordance with the provisions of Section VII. This sum represents: Shell's share of Response Costs incurred by the United States through December 31, 1984; plus the amount to be paid by Shell to the United States pursuant to paragraph 5.2 above: less the United States' share of Response Costs incurred by Shell through December 31, 1984, and less amounts owed by the United States to Shell pursuant to the Lease and Collateral Contracts.

All payments required to be made to EPA pursuant to

Section XII shall be payable to the order of U.S. Environmental Protection Agency and transmitted to:  
Cincinnati Financial Management Center  
P.O. Box 371099M  
Pittsburgh, Pennsylvania 15251

Subject to the terms and conditions of paragraphs 12.2-12.5. the Army shall provide annual payments to EPA for EPA Costs. Such payment may only be used for the purposes specified in paragraph 3.29 and shall satisfy the obligations of the Army and Shell with respect to all Response Costs incurred by EPA after September 30, 1987 in connection with Final and Supplemental Response Actions, IRAs, and Emergency Actions at the Site and all costs for EPA Certification.

The Army and EPA agree that the execution of this Settlement Agreement by the Army and EPA shall constitute an obligation of all appropriated funds designated by the Army for transfer to EPA pursuant to this Settlement Agreement.

## Ex. 5 - DPP and ACP

The other Federal facility with a special account is Jackson Park. The Navy paid a stipulated penalty pursuant to the FFA into a special account. **Ex. 5 - DPP and ACP**

### Ex. 5 - DPP and ACP

Hope this helps, I can track down more details for you if you need more information.

Thanks, Kathleen

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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---

**From:** Ronquillo, Manuel  
**Sent:** Monday, June 05, 2017 8:19 AM  
**To:** Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>  
**Subject:** Special Accounts at FFs

Hey Kathleen,

In the briefing paper that we put together for upper management a few weeks ago, your office inserted some specific language concerning FFAs and FFs. I was wondering whether you could provide me a little more info concerning the highlighted bullet below.

**Ex. 5 - DPP and ACP**

**Ex. 5 - DPP and ACP**

Thanks.

# Ex. 5 - DPP and ACP

-----  
Manuel Ronquillo, Attorney-Advisor  
Chemical Control Division  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency, HQ  
1200 Pennsylvania Avenue, NW  
WJCE 4133-P (Mailcode: 7405M)  
Washington, DC 20460  
Phone: (202) 564-6065  
E-mail: [Ronquillo.manuel@epa.gov](mailto:Ronquillo.manuel@epa.gov)

Message

---

**From:** Doster, Kathleen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EE143E2AC8D8474488A6E2B5608EC8D0-KDOSTER]  
**Sent:** 6/5/2017 4:31:29 PM  
**To:** Ronquillo, Manuel [Ronquillo.Manuel@epa.gov]  
**Subject:** RE: Special Accounts at FFs

Hi Manuel,

The two FFAs that provide for the recovery of oversight costs are the Twin Cities Army Ammunition Plant (TCAAP) and Rocky Mountain Arsenal FFAs.

I know we have discussed TCAAP in the past. The Army did pay some oversight costs into the Superfund Trust Fund pursuant to the 1987 FFA but then stopped for many, many years. We went over to the Office of Legal Counsel on the issue of whether there were any legal impediments to the Army paying EPA's oversight costs and received a favorable decision. Region 5 sent a letter to the Army in February seeking past oversight costs. The Army has still not paid that bill (so far).

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Cincinnati Financial Management Center  
P.O. Box 371099M  
Pittsburgh, Pennsylvania 15251

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The Army and EPA agree that the execution of this Settlement Agreement by the Army and EPA shall constitute an obligation of all appropriated funds designated by the Army for transfer to EPA pursuant to this Settlement Agreement.

## Ex. 5 - DPP and ACP

The other Federal facility with a special account is Jackson Park. The Navy paid a stipulated penalty pursuant to the FFA into a special account.

Ex. 5 - DPP and ACP

Ex. 5 - DPP and ACP

Hope this helps, I can track down more details for you if you need more information.

Thanks, Kathleen

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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---

**From:** Ronquillo, Manuel  
**Sent:** Monday, June 05, 2017 8:19 AM  
**To:** Doster, Kathleen <Doster.Kathleen@epa.gov>  
**Subject:** Special Accounts at FFs

Hey Kathleen,

In the briefing paper that we put together for upper management a few weeks ago, your office inserted some specific language concerning FFAs and FFs. I was wondering whether you could provide me a little more info concerning the highlighted bullet below:

**Ex. 5 - DPP and ACP**

**Ex. 5 - DPP and ACP**

Thanks.

**Ex. 5 - DPP and ACP**

---

Manuel Ronquillo, Attorney-Advisor  
Chemical Control Division  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency, HQ  
1200 Pennsylvania Avenue, NW  
WJCE 4133-P (Mailcode: 7405M)  
Washington, DC 20460  
Phone: (202) 564-6065  
E-mail: [Ronquillo.manuel@epa.gov](mailto:Ronquillo.manuel@epa.gov)

Message

---

**From:** Doster, Kathleen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EE143E2AC8D8474488A6E2B5608EC8D0-KDOSTER]  
**Sent:** 2/14/2017 8:03:47 PM  
**To:** Hunt, Stuart [Hunt.Stuart@epa.gov]  
**Subject:** FW: NFPC CAFO Status

Here's an email chain for the R3 interest issue (this is separate from the one Gracie is working on and separate from the R1 case) but it outlines OGC's argument below. I'm not sure if we ever got anything back from the Navy's Assistant General Counsel office as mentioned below.

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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-----Original Message-----

From: Dalzell, Sally  
Sent: Tuesday, October 18, 2016 4:43 PM  
To: Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
Subject: FW: NFPC CAFO Status

Sally M. Dalzell, Acting Director  
Site Remediation and Enforcement Staff  
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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-----Original Message-----

From: McFarlane, Waina J CIV NAVSEA, SEA 00L [mailto:waina.j.mcfarlane@navy.mil]  
Sent: Tuesday, October 18, 2016 4:40 PM  
To: Abraham, Dennis <Abraham.Dennis@epa.gov>  
Cc: Mastro, Donna <Mastro.Donna@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Morrison, Jillian L CIV NAVSEA, SEA 00L <jillian.morrison@navy.mil>  
Subject: RE: NFPC CAFO Status

Dennis,

I was referring to getting an opinion from our Assistant General Counsel (FM&C) office. It is at the SECNAV level. It is just one office - not multiple offices.

Thanks for your attention.

V/r,  
Waina

-----Original Message-----

From: Abraham, Dennis [mailto:Abraham.Dennis@epa.gov]  
Sent: Tuesday, October 18, 2016 9:31 AM  
To: McFarlane, Waina J CIV NAVSEA, SEA 00L  
Cc: Mastro, Donna; Dalzell, Sally; Morrison, Jillian L CIV NAVSEA, SEA 00L  
Subject: [Non-DoD Source] RE: NFPC CAFO Status

Waina:

Thank you for getting back to me.

As you know, this issue has been the sole remaining obstacle to final resolution of the violations set forth in the Consent Agreement between the parties. While I understand from your response below that the issue must now undergo further vetting and/or approval from your fiscal law experts, please advise if this additional vetting will necessitate review and approval from EACH of your financial, management, and comptroller attorney divisions before we can expect a decision from the Navy.

Thank you.

Dennis

Dennis M. Abraham  
Senior Assistant Regional Counsel  
United States Environmental Protection Agency, Region III Office of Regional Counsel, Air Branch (3RC10)  
1650 Arch Street  
Philadelphia, PA 19103-2029  
Tele:(215) 814-5214  
Fax: (215) 814-2603  
Email: abraham.dennis@epa.gov

-----Original Message-----

From: McFarlane, Waina J CIV NAVSEA, SEA 00L [mailto:waina.j.mcfarlane@navy.mil]  
Sent: Monday, October 17, 2016 12:39 PM  
To: Abraham, Dennis <Abraham.Dennis@epa.gov>  
Cc: Mastro, Donna <Mastro.Donna@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Morrison, Jillian L CIV NAVSEA, SEA 00L <jillian.morrison@navy.mil>  
Subject: RE: NFPC CAFO Status

Dennis,

Thanks for prompting me on this one. I greatly appreciate you getting EPA OGCs opinion. During the previous Navy discussions on this issue I had worked with my OGC brethren in the environmental chain at both OPNAV and SECNAV. We have, collectively, decided to get an opinion from our financial, management, and comptrollers attorneys, our fiscal law experts, at the SECNAV level before we developed a final Navy opinion on the ability of the Navy to pay interest under the CAA. The issue is with them now. I will let you know as soon as I hear from them.

Thank you for your patience.

V/r,  
Waina

Waina McFarlane  
Environment, Occupational Health and Safety Section Office of Counsel Naval Sea Systems Command  
1333 Isaac Hull Avenue SE  
Washington Navy Yard, DC 20376-1150  
202-781-4968

-----Original Message-----

From: Abraham, Dennis [mailto:Abraham.Dennis@epa.gov]  
Sent: Tuesday, September 20, 2016 10:05 AM  
To: McFarlane, Waina J CIV NAVSEA, SEA 00L  
Cc: Mastro, Donna; Dalzell, Sally  
Subject: [Non-DoD Source] FW: NFPC CAFO Status

Waina,

Would you please let me know what the status of things are on your end?

Thanks.

Dennis

Dennis M. Abraham  
Senior Assistant Regional Counsel  
United States Environmental Protection Agency, Region III Office of Regional Counsel, Air Branch (3RC10)  
1650 Arch Street  
Philadelphia, PA 19103-2029  
Tele:(215) 814-5214

Fax: (215) 814-2603  
Email: abraham.dennis@epa.gov

-----Original Message-----

From: Abraham, Dennis

Sent: Wednesday, September 07, 2016 5:06 PM

To: 'McFarlane, Waina J CIV NAVSEA, SEA 00L' <waina.j.mcfarlane@navy.mil>

Cc: Mastro, Donna <mastro.donna@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>

Subject: RE: NFPC CAFO Status

Waina,

Thank you for your patience in awaiting our response. The issue, as I have indicated before, was elevated and considered seriously by our Office of General Counsel. Our response is set forth as follows:

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Thank you again.

Dennis

Dennis M. Abraham  
Senior Assistant Regional Counsel  
United States Environmental Protection Agency, Region III Office of Regional Counsel, Air Branch (3RC10)  
1650 Arch Street  
Philadelphia, PA 19103-2029  
Tele: (215) 814-5214  
Fax: (215) 814-2603  
Email: abraham.dennis@epa.gov

-----Original Message-----

From: McFarlane, Waina J CIV NAVSEA, SEA 00L [mailto:waina.j.mcfarlane@navy.mil]  
Sent: Tuesday, August 23, 2016 1:14 PM  
To: Abraham, Dennis <Abraham.Dennis@epa.gov>  
Subject: NFPC CAFO Status

Dennis,

I just wanted to touch base to see if there had been any progress on the question you had posed to EPA OGC. I ask because my financial folks need to figure out whether the payment will be required in FY16 or FY 17 (before 30 September or after 1 October). Do you have any idea? We can reserve the money now but if we don't obligate it by 30 September we will lose it. If it is due at the beginning of FY17 we may not yet have the funds to cover it.

Thanks for your attention.

V/r,  
Waina

-----Original Message-----

From: DeMane, Mary K CIV NNSY, C107  
Sent: Friday, August 19, 2016 4:26 PM  
To: McFarlane, Waina J CIV NAVSEA, SEA 00L  
Subject: FW: NFPC Comments on Proposed Draft SCAFO - 21 July

Waina - any updates on this? The Foundry is getting nervous as the fiscal year is coming to a close and they do not want to leave that money on the table. Additionally, they will have trouble coming up with the funds at the beginning of the fiscal year if we cross over.

Please let me know.

Thanks - Kate

Message

---

**From:** Doster, Kathleen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EE143E2AC8D8474488A6E2B5608EC8D0-KDOSTER]  
**Sent:** 2/1/2017 3:07:27 PM  
**To:** Garvey, Melanie [Garvey.Melanie@epa.gov]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Subject:** FW: IPAC info.

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Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
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**Sent:** Tuesday, January 31, 2017 4:15 PM  
**To:** Doster, Kathleen <Doster.Kathleen@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
**Subject:** RE: IPAC info.

Once they have signed the MIPR – the Navy should be providing a copy to DFAS. DFAS then should initiate the IPAC to EPA, or EPA can then go and ‘pull’ the money from them. We just also need to get their ALC if EPA is going to initiate it. If they can provide a DFAS contact, I would be happy to work with them to make sure the money gets to us.

Molly

Molly Williams, Supervisor  
Reimbursable Branch  
US EPA/OCFO/OC/CFC/RB  
26 W MLK Drive, MS-002  
Cincinnati, OH 45268  
513-487-2076  
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Thanks so much Molly! Once the federal agency signs the MIPR, how does the money get into IPAC?

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Thanks so much for your help on this!

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Let me know if you have any other questions or need anything else!

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FYI

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**CC:** Doster, Kathleen [Doster.Kathleen@epa.gov]  
**Subject:** Re: FOUO\FW: JBER - follow up

Hi Nick-

They can pay with an electronic payment or through IPAC. We are working some language in another case.

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Vidargas, Nick  
**Sent:** Thursday, February 2, 2017 3:09 PM  
**To:** Garvey, Melanie  
**Subject:** FW: FOUO\FW: JBER - follow up

Hey Melanie,

## Ex. 5 - Deliberative Process

-Nick

-----Original Message-----

From: VICTORY, DAVID A Capt USAF ANG 176 CPTF/FMA  
[mailto:david.victory@us.af.mil]  
Sent: Thursday, February 02, 2017 12:00 PM  
To: Vidargas, Nick <Vidargas.Nick@epa.gov>  
Cc: CARLE, AMY J Lt Col USAF ANG 176 CPTF/CC <amy.carle@us.af.mil>; HULL,  
JASON R Maj USAF AFLOA AFCEC/JACE-WR <jason.hull.3@us.af.mil>; LARSON, KASS  
W Lt Col USAF ANG 176 CES/CC <kass.larson.2@us.af.mil>  
Subject: FW: FOUO\FW: JBER - follow up

Mr. Vidargas,

I hope contacting you directly is alright, however, I am the finance POC in the ANG that will be working the payment of our fine.

Your original email said that you would be checking with the federal facilities office for more info. Is there any additional info from them regarding the payment?

I am hoping that I can contact someone in the accounting or budget office of the EPA since we are a DoD agency using appropriated funds to pay this fine and we do not have the ability to pay with check or ACH at this time.

Also, I updated this from below:  
Respondent Air National Guard's Treasury Account Symbol is "57 3840"- (As far as I understand, this is our TAS.) Inquiries concerning this payment can be

made to Capt David Victory. Capt David Victory can be contacted at david.victory@us.af.mil or 907-551-0156.

I appreciate you time and help with this. Thank you.

//SIGNED//

David Victory, Capt, AKANG  
Budget Officer - 176 CPTF - AK  
17441 Airlifter Dr, JBER, AK  
OE: F41A3 / ASN: A3 MPF: A4  
DSN 317-551-0156 / Comm 907-551-0156  
Customer Service 551-0129  
Email: david.victory@us.af.mil

-----Original Message-----

From: CARLE, AMY J Lt Col USAF ANG 176 CPTF/CC  
Sent: Thursday, February 02, 2017 8:29 AM  
To: VICTORY, DAVID A Capt USAF ANG 176 CPTF/FMA <david.victory@us.af.mil>  
Subject: FOUO\FW: JBER - follow up

This e-mail contains FOR OFFICIAL USE ONLY (FOUO)

---

Morning David,

Please start at the bottom email and work up. Are you able to provide the requested info?

Thank you,

Amy

//SIGNED//

AMY J. CARLE, Lt Col, AKANG  
176 CPTF/CC  
17441 Airlifter Dr  
JBER, AK 99506  
ASN: A3 MPF: A4  
Comm: 907.551.0158 (DSN: 317)  
Cell: 907.830.6755  
amy.carle@us.af.mil

-----Original Message-----

From: HULL, JASON R Maj USAF AFLOA AFCEC/JACE-WR  
Sent: Thursday, February 02, 2017 8:15 AM  
To: CARLE, AMY J Lt Col USAF ANG 176 CPTF/CC <amy.carle@us.af.mil>  
Cc: LARSON, KASS W Lt Col USAF ANG 176 CES/CC <kass.larson.2@us.af.mil>  
Subject: FW: JBER - follow up

Ma'am:

Lt Col Larsen provided me with your contact information as a good POC to obtain payment information for the CA/FO. Specifically, EPA has requested the following fill in the blanks from the 176 ANG:

"Respondents must note on the checks the title and docket number of this action. Respondent Air National Guard's Treasury Account Symbol is [Fill in]. Inquiries concerning this payment can be made to [ANG Contact]. [ANG Contact] can be contacted at [Fill in]."

If you have any questions, please let me know. Thank you in advance, ma'am!

v/r,

JASON R. HULL, Major, USAF  
Regional Counsel, AFLOA/JACE-WR  
510 Hickam Ave.  
Bldg 250, Bay A  
Travis AFB, CA 94535  
DSN 837-8288  
COMM 707-424-8288

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-----Original Message-----

From: HULL, JASON R Maj USAF AFLOA AFCEC/JACE-WR  
Sent: Tuesday, January 31, 2017 11:04 AM  
To: CHAMBERS, RANDY S GS-15 USAF NGB ANG READINESS FO/NCR  
<randy.chambers@us.af.mil>  
Cc: VECERA, DAVID R GS-15 USAF HAF AF LEGAL OP AGENCY FO/JACE  
<david.vecera@us.af.mil>  
Subject: FW: JBER - follow up

Sir:

Do you have a POC in the ANG comptroller's office that can fill in the blanks on the below information regarding payment if the ANG agrees to be added as a signatory? Essentially, they are looking for a fill-in the blank of the following:

"Respondents must note on the checks the title and docket number of this action. Respondent Air National Guard's Treasury Account Symbol is [Fill in]. Inquiries concerning this payment can be made to [ANG Contact]. [ANG Contact] can be contacted at [Fill in]."

If you have any questions, please let me know. Thank you, sir!

v/r,

JASON R. HULL, Major, USAF  
Regional Counsel, AFLOA/JACE-WR  
510 Hickam Ave.  
Bldg 250, Bay A  
Travis AFB, CA 94535  
DSN 837-8288  
COMM 707-424-8288

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-----Original Message-----

From: Vidargas, Nick [<mailto:Vidargas.Nick@epa.gov>]  
Sent: Tuesday, January 31, 2017 11:00 AM  
To: HULL, JASON R Maj USAF AFLOA AFCEC/JACE-WR <[jason.hull.3@us.af.mil](mailto:jason.hull.3@us.af.mil)>  
Subject: JBER - follow up

Thanks for the call today, Jason. Here's the section that the ANG will need to fill in. We need their Treasure Account Symbol (though I'm not sure if this applies since they are a state/federal entity, right?), and their contact info. I'll double check with our federal facilities office if they have any input.

4.1. Payments under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www2.epa.gov/financial/makepayment> <<http://www2.epa.gov/financial/makepayment>> . Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

U.S. Environmental Protection Agency

Fines and Penalties

Cincinnati Finance Center

P.O. Box 979077

St. Louis, Missouri 63197-9000

Respondents must note on the checks the title and docket number of this action. Respondent Air National Guard's Treasury Account Symbol is [Fill in]. Inquiries concerning this payment can be made to [ANG Contact]. [ANG Contact] can be contacted at [Fill in].

Nicholas Vidargas

Assistant Regional Counsel

Office of Regional Counsel

United States Environmental Protection Agency, Region 10

1200 6th Ave, Suite 900

Mail Stop: ORC-113

P: (206) 553-1460

F: (206) 553-1762

Vidargas.Nick@epa.gov <<mailto:Vidargas.Nick@epa.gov>>

Message

---

**From:** Craig, Harry [Craig.Harry@epa.gov]  
**Sent:** 6/12/2017 3:55:40 PM  
**To:** Boyd, Andrew [Boyd.Andrew@epa.gov]  
**CC:** Faulk, Dennis [Faulk.Dennis@epa.gov]; Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC  
**Attachments:** Umatilla NOV and Stip 2016+HCAdds.pptx

Andy,

Here is my draft response in red, let me know if these need to be longer or more detailed. I also attached the last briefing overview FFEO did for the new FFEO Office Director on this issue.

Harry

# Ex. 5 - Deliberative Process

---

**From:** Garvey, Melanie  
**Sent:** Monday, June 12, 2017 5:37 AM  
**To:** Boyd, Andrew <Boyd.Andrew@epa.gov>; Craig, Harry <Craig.Harry@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** Fw: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hi Harry and Andy-

The Office of Congressional Affairs has asked us three questions on Umatilla as it relates to the Congressional authorization to pay the stipulated penalty which are due tomorrow morning (see messages below). Can you provide input on

*Q: How close are these to meeting the obligations under the settlement?*

*Q: Provide any general background about cleanup of the site.*

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Doster, Kathleen  
**Sent:** Monday, June 12, 2017 8:25 AM  
**To:** Garvey, Melanie  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hi, let me know if you'd like to talk through this.

---

Kathleen Doster  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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---

**From:** Dalzell, Sally  
**Sent:** Friday, June 09, 2017 12:22 PM  
**To:** Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Doster, Kathleen <[Doster.Kathleen@epa.gov](mailto:Doster.Kathleen@epa.gov)>  
**Cc:** Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>  
**Subject:** Fwd: Response due noon Tue. 6/13: Superfund Penalties for HASC

Mel:

Would you write a summary of Umatilla? Due Tuesday.

Pls see below.

It is a one-time payment.

They also ask where is Army in complying with the settlement so maybe you and Kathleen can come up with a way to answer that?

Thank you.

Sally

Sent from my iPhone

Begin forwarded message:

**From:** "Leff, Karin" <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>  
**Date:** June 9, 2017 at 11:49:58 AM EDT  
**To:** "Folkemer, Nathaniel" <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>  
**Cc:** "Dalzell, Sally" <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>, "Muller, Marie" <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>, "Pendleton, Gracie" <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>, "Emmerson, Caroline" <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>, "Ingram, Amir" <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>  
**Subject:** Re: Response due noon Tue. 6/13: Superfund Penalties for HASC

Will do

Sent from my iPhone

On Jun 9, 2017, at 11:15 AM, Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)> wrote:

FFEO,  
I believe you reviewed these two proposals back in April as part of the NDAA legislative proposals # 29 and 30 and said the proposals relate to stipulated penalties. Can you please review the three questions below from the House Armed Services Committee and provide a response by Noon on Tuesday June 13<sup>th</sup>.  
Nate

---

**From:** Janifer, Pamela  
**Sent:** Friday, June 09, 2017 11:02 AM  
**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Mills, Derek <[Mills.Derek@epa.gov](mailto:Mills.Derek@epa.gov)>  
**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>  
**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

Q: How close are these to meeting the obligations under the settlement?

Q: Provide any general background about cleanup of the site.

#### Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas  
This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon  
This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**

<image002.jpg>

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

<LOG65755-UMATIL\_xml.pdf>

<LOG65756-LONGHORN\_xml.pdf>

**From:** Vidargas, Nick [Vidargas.Nick@epa.gov]  
**Sent:** 2/2/2017 8:09:54 PM  
**To:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Subject:** FW: FOUO\FW: JBER - follow up  
**Attachments:** smime.p7s

Hey Melanie,

## Ex. 7(e); Ex. 5 - ACP, AWP, and DPP

-Nick

-----Original Message-----

From: VICTORY, DAVID A Capt USAF ANG 176 CPTF/FMA  
[mailto:david.victory@us.af.mil]  
Sent: Thursday, February 02, 2017 12:00 PM  
To: Vidargas, Nick <Vidargas.Nick@epa.gov>  
Cc: CARLE, AMY J Lt Col USAF ANG 176 CPTF/CC <amy.carle@us.af.mil>; HULL,  
JASON R Maj USAF AFLOA AFCEC/JACE-WR <jason.hull.3@us.af.mil>; LARSON, KASS  
W Lt Col USAF ANG 176 CES/CC <kass.larson.2@us.af.mil>  
Subject: FW: FOUO\FW: JBER - follow up

Mr. Vidargas,

I hope contacting you directly is alright, however, I am the finance POC in the ANG that will be working the payment of our fine.

Your original email said that you would be checking with the federal facilities office for more info. Is there any additional info from them regarding the payment?

I am hoping that I can contact someone in the accounting or budget office of the EPA since we are a DoD agency using appropriated funds to pay this fine and we do not have the ability to pay with check or ACH at this time.

Also, I updated this from below:  
Respondent Air National Guard's Treasury Account Symbol is "57 3840"- (As far as I understand, this is our TAS.) Inquiries concerning this payment can be made to Capt David Victory. Capt David Victory can be contacted at david.victory@us.af.mil or 907-551-0156.

I appreciate you time and help with this. Thank you.

//SIGNED//

David Victory, Capt, AKANG  
Budget Officer - 176 CPTF - AK  
17441 Airlifter Dr, JBER, AK  
OE: F41A3 / ASN: A3 MPF: A4  
DSN 317-551-0156 / Comm 907-551-0156  
Customer Service 551-0129  
Email: david.victory@us.af.mil

-----Original Message-----

From: CARLE, AMY J Lt Col USAF ANG 176 CPTF/CC  
Sent: Thursday, February 02, 2017 8:29 AM  
To: VICTORY, DAVID A Capt USAF ANG 176 CPTF/FMA <david.victory@us.af.mil>  
Subject: FOUO\FW: JBER - follow up

This e-mail contains FOR OFFICIAL USE ONLY (FOUO)

---

Morning David,

Please start at the bottom email and work up. Are you able to provide the requested info?

Thank you,

Amy

//SIGNED//

AMY J. CARLE, Lt Col, AKANG  
176 CPTF/CC  
17441 Airlifter Dr  
JBER, AK 99506  
ASN: A3 MPF: A4  
Comm: 907.551.0158 (DSN: 317)  
Cell: 907.830.6755  
amy.carle@us.af.mil

-----Original Message-----

From: HULL, JASON R Maj USAF AFLOA AFCEC/JACE-WR  
Sent: Thursday, February 02, 2017 8:15 AM  
To: CARLE, AMY J Lt Col USAF ANG 176 CPTF/CC <amy.carle@us.af.mil>  
Cc: LARSON, KASS W Lt Col USAF ANG 176 CES/CC <kass.larson.2@us.af.mil>  
Subject: FW: JBER - follow up

Ma'am:

Lt Col Larsen provided me with your contact information as a good POC to obtain payment information for the CA/FO. Specifically, EPA has requested the following fill in the blanks from the 176 ANG:

"Respondents must note on the checks the title and docket number of this action. Respondent Air National Guard's Treasury Account Symbol is [Fill in]. Inquiries concerning this payment can be made to [ANG Contact]. [ANG Contact] can be contacted at [Fill in]."

If you have any questions, please let me know. Thank you in advance, ma'am!

v/r,

JASON R. HULL, Major, USAF  
Regional Counsel, AFLOA/JACE-WR  
510 Hickam Ave.  
Bldg 250, Bay A  
Travis AFB, CA 94535  
DSN 837-8288  
COMM 707-424-8288

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-----Original Message-----

From: HULL, JASON R Maj USAF AFLOA AFCEC/JACE-WR  
Sent: Tuesday, January 31, 2017 11:04 AM  
To: CHAMBERS, RANDY S GS-15 USAF NGB ANG READINESS FO/NCR  
<randy.chambers@us.af.mil>  
Cc: VECERA, DAVID R GS-15 USAF HAF AF LEGAL OP AGENCY FO/JACE  
<david.vecera@us.af.mil>  
Subject: FW: JBER - follow up

Sir:

Do you have a POC in the ANG comptroller's office that can fill in the blanks on the below information regarding payment if the ANG agrees to be added as a signatory? Essentially, they are looking for a fill-in the blank of the following:

"Respondents must note on the checks the title and docket number of this action. Respondent Air National Guard's Treasury Account Symbol is [Fill in]. Inquiries concerning this payment can be made to [ANG Contact]. [ANG Contact] can be contacted at [Fill in]."

If you have any questions, please let me know. Thank you, sir!

v/r,

JASON R. HULL, Major, USAF  
Regional Counsel, AFLOA/JACE-WR  
510 Hickam Ave.  
Bldg 250, Bay A  
Travis AFB, CA 94535  
DSN 837-8288  
COMM 707-424-8288

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-----Original Message-----

From: Vidargas, Nick [mailto:Vidargas.Nick@epa.gov]  
Sent: Tuesday, January 31, 2017 11:00 AM  
To: HULL, JASON R Maj USAF AFLOA AFCEC/JACE-WR <jason.hull.3@us.af.mil>  
Subject: JBER - follow up

Thanks for the call today, Jason. Here's the section that the ANG will need to fill in. We need their Treasure Account Symbol (though I'm not sure if this applies since they are a state/federal entity, right?), and their contact info. I'll double check with our federal facilities office if they have any input.

4.1. Payments under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www2.epa.gov/financial/makepayment> <<http://www2.epa.gov/financial/makepayment>> . Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

U.S. Environmental Protection Agency

Fines and Penalties

Cincinnati Finance Center

P.O. Box 979077

St. Louis, Missouri 63197-9000

Respondents must note on the checks the title and docket number of this action. Respondent Air National Guard's Treasury Account Symbol is [Fill in]. Inquiries concerning this payment can be made to [ANG Contact]. [ANG Contact] can be contacted at [Fill in].

Nicholas Vidargas

Assistant Regional Counsel

Office of Regional Counsel

United States Environmental Protection Agency, Region 10

1200 6th Ave, Suite 900

Mail Stop: ORC-113

P: (206) 553-1460

F: (206) 553-1762

Vidargas.Nick@epa.gov <mailto:Vidargas.Nick@epa.gov>

Message

---

**From:** Ogle, Kimberly [Ogle.Kimberly@epa.gov]  
**Sent:** 1/30/2017 10:17:17 PM  
**To:** Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Garvey, Melanie [Garvey.Melanie@epa.gov]; Matthews, Julie [Matthews.Juliane@epa.gov]  
**Subject:** RE: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

**Ex. 7(e); Ex. 5 - ACP, AWP, and DPP**

---

**From:** Pendleton, Gracie  
**Sent:** Monday, January 30, 2017 1:23 PM  
**To:** Garvey, Melanie <Garvey.Melanie@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>  
**Subject:** Re: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

**Ex. 7(e); Ex. 5 - ACP, AWP, and DPP**

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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---

**From:** Garvey, Melanie  
**Sent:** Monday, January 30, 2017 4:20 PM  
**To:** Pendleton, Gracie; Ogle, Kimberly; Matthews, Julie  
**Subject:** Re: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

**Ex. 7(e); Ex. 5 - ACP, AWP, and DPP**

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Pendleton, Gracie  
**Sent:** Monday, January 30, 2017 4:12 PM  
**To:** Garvey, Melanie; Ogle, Kimberly; Matthews, Julie  
**Subject:** Fw: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

Melanie, Kim, and Julie -

**Ex. 7(e); Ex. 5 - ACP, AWP, and DPP** What do you all think?

Thanks!

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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---

**From:** KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE <[deborah.klein.2@us.af.mil](mailto:deborah.klein.2@us.af.mil)>  
**Sent:** Monday, January 30, 2017 4:07 PM  
**To:** Pendleton, Gracie  
**Subject:** RE: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

Gracie,

# Ex. 7(e)

Thank you,  
Debbie

-----Original Message-----

From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]  
Sent: Wednesday, January 25, 2017 10:51 AM  
To: KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE <[deborah.klein.2@us.af.mil](mailto:deborah.klein.2@us.af.mil)>  
Subject: RE: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

Thank you for the update Debbie.

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE [<mailto:deborah.klein.2@us.af.mil>]  
Sent: Wednesday, January 25, 2017 1:44 PM  
To: Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>  
Subject: RE: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

Good morning,

I received the proposed settlement. I think we should be able to meet the 31 Jan deadline for comments. I'll be in touch if I have any concerns in the meantime. I should be able to go over the proposal in detail this afternoon.

Thank you,  
Debbie

-----Original Message-----

From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]  
Sent: Tuesday, January 24, 2017 10:18 AM  
To: KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE <[deborah.klein.2@us.af.mil](mailto:deborah.klein.2@us.af.mil)>  
Cc: Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>  
Subject: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

For Settlement Purposes Only

Debbie,

Thank you for your patience as EPA finalized this document. Attached is the revised Consent Agreement/Final Order and penalty EPA is proposing to settle the alleged violations. We are hopeful that you and your client will find this acceptable so that we may finalize and route for signature as appropriate.

Though I know I am requesting a rather quick turnaround EPA would like to know any comments Air Force may have on this document by January 31, 2017.

Please let me know if you have any questions or concerns that you would like to discuss.

Thank you.

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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**From:** Ogle, Kimberly [Ogle.Kimberly@epa.gov]  
**Sent:** 2/27/2017 9:29:33 PM  
**To:** Garvey, Melanie [Garvey.Melanie@epa.gov]  
**CC:** Williams, Cheryl B. [Williams.CherylB@epa.gov]  
**Subject:** Re: Wainwright Meeting

## Ex. 5 - ACP, AWP, and DPP

Sent from my iPhone

On Feb 27, 2017, at 11:52 AM, Garvey, Melanie <Garvey.Melanie@epa.gov> wrote:

Hi Kim-

Tracy Carter an attorney for Fort Wainwright called me just now to discuss the SNC letter the base received. She wanted to discuss next steps regarding enforcement. She also wanted to find out what information if any we received from Cliff Seibel in response to the 7/28/2016 letter from EPA to the Base. She said he was tasked with following up with EPA and they were now going through his emails since he has retired.

## Ex. 5 - ACP, AWP, and DPP

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Ogle, Kimberly  
**Sent:** Wednesday, February 15, 2017 12:39 PM  
**To:** Garvey, Melanie  
**Cc:** Jiles, Jordana  
**Subject:** wainwright

Hey Melanie; Jennifer told me you chatted. Regarding the SNC...if you changed the language for the SNC, we need that revision for the file and data entry.

## **Ex. 5 - ACP, AWP, and DPP**

Thx. Kim

Message

---

**From:** Boyd, Andrew [Boyd.Andrew@epa.gov]  
**Sent:** 6/12/2017 6:03:49 PM  
**To:** Craig, Harry [Craig.Harry@epa.gov]  
**CC:** Faulk, Dennis [Faulk.Dennis@epa.gov]; Garvey, Melanie [Garvey.Melanie@epa.gov]  
**Subject:** RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Works for me if it works for FFEO.

Thanks

Andy

Andrew Boyd

U.S. EPA, Region 10

Tel: (206) 553-1222

boyd.andrew@epa.gov

SENSITIVE COMMUNICATION INTENDED ONLY  
FOR USE OF RECIPIENTS NAMED ABOVE

---

**From:** Craig, Harry  
**Sent:** Monday, June 12, 2017 8:56 AM  
**To:** Boyd, Andrew <Boyd.Andrew@epa.gov>  
**Cc:** Faulk, Dennis <Faulk.Dennis@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Andy,

Here is my draft response in red, let me know if these need to be longer or more detailed. I also attached the last briefing overview FFEO did for the new FFEO Office Director on this issue.

Harry

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

---

**From:** Garvey, Melanie  
**Sent:** Monday, June 12, 2017 5:37 AM  
**To:** Boyd, Andrew <Boyd.Andrew@epa.gov>; Craig, Harry <Craig.Harry@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** Fw: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hi Harry and Andy-

The Office of Congressional Affairs has asked us three questions on Umatilla as it relates to the Congressional authorization to pay the stipulated penalty which are due tomorrow morning (see messages below). Can you provide input on

*Q: How close are these to meeting the obligations under the settlement?*

*Q: Provide any general background about cleanup of the site.*

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Doster, Kathleen  
**Sent:** Monday, June 12, 2017 8:25 AM  
**To:** Garvey, Melanie  
**Subject:** FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hi, let me know if you'd like to talk through this.

---

Kathleen Doster  
Attorney-Advisor

U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., N.W., MC 2261A  
Washington, D.C. 20460  
(202) 564-2573  
(202) 564-0644(fax)

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---

**From:** Dalzell, Sally  
**Sent:** Friday, June 09, 2017 12:22 PM  
**To:** Garvey, Melanie <Garvey.Melanie@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>  
**Cc:** Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** Fwd: Response due noon Tue. 6/13: Superfund Penalties for HASC

Mel:

Would you write a summary of Umatilla? Due Tuesday.

Pls see below.

It is a one-time payment.

They also ask where is Army in complying with the settlement so maybe you and Kathleen can come up with a way to answer that?

Thank you.

Sally

Sent from my iPhone

Begin forwarded message:

**From:** "Leff, Karin" <Leff.Karin@epa.gov>  
**Date:** June 9, 2017 at 11:49:58 AM EDT  
**To:** "Folkemer, Nathaniel" <Folkemer.Nathaniel@epa.gov>  
**Cc:** "Dalzell, Sally" <Dalzell.Sally@epa.gov>, "Muller, Marie" <MULLER.MARIE@EPA.GOV>, "Pendleton, Gracie" <Pendleton.Gracie@epa.gov>, "Emmerson, Caroline" <Emmerson.Caroline@epa.gov>, "Ingram, Amir" <Ingram.Amir@epa.gov>  
**Subject:** Re: Response due noon Tue. 6/13: Superfund Penalties for HASC

Will do

Sent from my iPhone

On Jun 9, 2017, at 11:15 AM, Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov> wrote:

FFEO,  
I believe you reviewed these two proposals back in April as part of the NDAA legislative proposals # 29 and 30 and said the proposals relate to stipulated penalties. Can you please review the three questions below from the House Armed Services Committee and provide a response by Noon on Tuesday June 13<sup>th</sup>.  
Nate

---

**From:** Janifer, Pamela  
**Sent:** Friday, June 09, 2017 11:02 AM  
**To:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Folkemer, Nathaniel <[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Mills, Derek <[Mills.Derek@epa.gov](mailto:Mills.Derek@epa.gov)>  
**Cc:** Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>  
**Subject:** Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?  
Q: How close are these to meeting the obligations under the settlement?  
Q: Provide any general background about cleanup of the site.

#### Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas  
This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon  
This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

**Can you turn this around by Tuesday? Thanks**

<image002.jpg>  
Pamela Janifer  
U.S. Environmental Protection Agency  
Office of Congressional Affairs  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

202.564.6969

[Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov)

<LOG65755-UMATIL\_xml.pdf>

<LOG65756-LONGHORN\_xml.pdf>

Message

---

**From:** Garvey, Melanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B0F10C7C5664CDBB797C8C8BC36350C-MBGARVEY]  
**Sent:** 1/30/2017 9:20:53 PM  
**To:** Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Ogle, Kimberly [Ogle.Kimberly@epa.gov]; Matthews, Julie [Matthews.Juliane@epa.gov]  
**Subject:** Re: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

## Ex. 5 - DPP and ACP

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Pendleton, Gracie  
**Sent:** Monday, January 30, 2017 4:12 PM  
**To:** Garvey, Melanie; Ogle, Kimberly; Matthews, Julie  
**Subject:** Fw: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

Melanie, Kim, and Julie -

## Ex. 5 - DPP, ACP, and AWP

Thanks!

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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---

**From:** KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE <deborah.klein.2@us.af.mil>  
**Sent:** Monday, January 30, 2017 4:07 PM  
**To:** Pendleton, Gracie  
**Subject:** RE: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

Gracie,

## Ex. 5 - Deliberative Process

Thank you,  
Debbie

-----Original Message-----

**From:** Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]  
**Sent:** Wednesday, January 25, 2017 10:51 AM  
**To:** KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE <deborah.klein.2@us.af.mil>  
**Subject:** RE: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

Thank you for the update Debbie.

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

**From:** KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE [<mailto:deborah.klein.2@us.af.mil>]  
**Sent:** Wednesday, January 25, 2017 1:44 PM  
**To:** Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>  
**Subject:** RE: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

Good morning,

I received the proposed settlement. I think we should be able to meet the 31 Jan deadline for comments. I'll be in touch if I have any concerns in the meantime. I should be able to go over the proposal in detail this afternoon.

Thank you,  
Debbie

-----Original Message-----

**From:** Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]  
**Sent:** Tuesday, January 24, 2017 10:18 AM  
**To:** KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE <deborah.klein.2@us.af.mil>

Cc: Garvey, Melanie <Garvey.Melanie@epa.gov>

Subject: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

For Settlement Purposes Only

Debbie,

Thank you for your patience as EPA finalized this document.

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

Though I know I am requesting a rather quick turnaround EPA would like to know any comments Air Force may have on this document by January 31, 2017.

Please let me know if you have any questions or concerns that you would like to discuss.

Thank you.

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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Message

---

**From:** DeGrandi, Michelle [Michelle.DeGrandi@va.gov]  
**Sent:** 6/6/2017 1:41:51 PM  
**To:** Hunt, Stuart [Hunt.Stuart@epa.gov]  
**CC:** Boyea, Robert P. [Ex. 5 - Personal Privacy]@va.gov]; Lindsey, William [Lindsey.William@epa.gov]; Freyre, Dominique [Freyre.Dominique@epa.gov]; Robertson, David [robertson.david@epa.gov]  
**Subject:** RE: [EXTERNAL] VA ABQ Revised Draft CAFO - Settlement Confidential Communication

Thank you, Stuart! I will touch base with the facility and get back to you soon.

Michelle M. DeGrandi  
Environmental Attorney  
Office of General Counsel (RPLG)  
Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221  
(913) 400-2106

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]  
**Sent:** Monday, June 05, 2017 2:44 PM  
**To:** DeGrandi, Michelle  
**Cc:** Boyea, Robert P.; Lindsey, William; Freyre, Dominique; Robertson, David  
**Subject:** [EXTERNAL] VA ABQ Revised Draft CAFO - Settlement Confidential Communication

SETTLEMENT CONFIDENTIAL COMMUNICATION

Dear Ms. DeGrandi,

**Ex. 5 and Ex. 7(a) - DPP and Enforcement**

# **Ex. 5 and Ex. 7(a) - DPP and Enforcement**

Thank you for your cooperation on resolving this matter.

Stuart

Stuart E. Hunt, Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Hunt, Stuart [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB5315DC1541460A99D94766CADFD624-SHUNT03]  
**Sent:** 5/22/2017 7:39:10 PM  
**To:** Robertson, David [robertson.david@epa.gov]  
**CC:** Lindsey, William [Lindsey.William@epa.gov]; Freyre, Dominique [freyre.dominique@epa.gov]  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Enforcement Confidential Communication

ENFORCEMENT CONFIDENTIAL COMMUNICATION

David,

# Ex. 5 - DPP, ACP, and AWP

Stuart

---

**From:** Robertson, David  
**Sent:** Monday, May 22, 2017 3:22 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

Hello Stuart,

Where are we on the case? I need to inform my management 1 week before we have any meetings. So please let me know before we schedule anything. Thanks.

---

**From:** Hunt, Stuart  
**Sent:** Wednesday, May 10, 2017 11:43 AM  
**To:** Boyea, Robert P. <Ex. 6 - Personal Privacy@va.gov>  
**Cc:** DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Bruick, Robert W. <Ex. 6 - Personal Privacy@va.gov>; Robertson, David <robertson.david@epa.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Webster, John K. <Ex. 6 - Personal Privacy@va.gov>  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

Bobby,

Thanks for the clarification. I'll let you know if we have any more questions.

Stuart

Stuart E. Hunt, Attorney-Advisor  
U.S. Environmental Protection Agency

Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

---

**From:** Boyea, Robert P. [mailto:[Ex. 6 - Personal Privacy]@va.gov]

**Sent:** Wednesday, May 10, 2017 12:38 PM

**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>

**Cc:** DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Bruick, Robert W. <[Ex. 6 - Personal Privacy]@va.gov>; Robertson, David <robertson.david@epa.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Webster, John K. <[Ex. 6 - Personal Privacy]@va.gov>

**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

Hello,

In response to the question by David Robertson I have provided an excerpt from the attachment. I tried to answer the question you asked based on processes at the time of inspection.

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

**Bobby Boyea**

**Safety Manager**

NMVAHCS, Engineering Service

1501 San Pedro Blvd. S.E.

Albuquerque, NM 87108

Cell Phone: [Ex. 6 - Personal Privacy]

Work: [Ex. 6 - Personal Privacy]

FAX: 505-256-2893

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]

**Sent:** Wednesday, April 19, 2017 1:22 PM

**To:** Boyea, Robert P.

**Cc:** DeGrandi, Michelle; Bruick, Robert W.; Robertson, David; Lindsey, William; Freyre, Dominique

**Subject:** [EXTERNAL] FW: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

Bobby,

David Robertson has a question and some comments in red about your responses on **Ex. 5 - Deliberative Process**. The comments are FYI, but I'm sure he'd appreciate a response to his question about **Ex. 5 - Deliberative Process**.

**Ex. 5 - Deliberative Process**

Thanks,

Stuart

Stuart E. Hunt, Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Boyea, Robert P. [Ex. 6 - Personal Privacy]@va.gov]  
**Sent:** 4/19/2017 1:38:04 PM  
**To:** Hunt, Stuart [Hunt.Stuart@epa.gov]  
**CC:** DeGrandi, Michelle [Michelle.DeGrandi@va.gov]; Bruick, Robert W. [Ex. 6 - Personal Privacy]@va.gov]  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication  
**Attachments:** Albuquerque Response to DR comments.docx; Albuquerque Response to SEH comments.docx

Hello,

I have provided copies of the New Mexico Veterans Affairs Health Care System responses in both attachments. If you have any questions do not hesitate to contact me. Thanks.

**Bobby Boyea**

**Safety Manager**

NMVAHCS, Engineering Service

1501 San Pedro Blvd. S.E.

Albuquerque, NM 87108

Cell Phone: [Ex. 6 - Personal Privacy]

Work: [Ex. 6 - Personal Privacy]

FAX: 505-256-2893

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]

**Sent:** Monday, March 20, 2017 6:50 AM

**To:** Boyea, Robert P.; DeGrandi, Michelle

**Cc:** Robertson, David; Potts, Mark; Tidmore, Guy; Lindsey, William; Freyre, Dominique

**Subject:** [EXTERNAL] VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

SETTLEMENT CONFIDENTIAL COMMUNICATION

Dear Bobby and Michelle,

**Ex. 5 and Ex. 7(a) - DPP and Enforcement**

Please let me know if you have any questions or comments on the draft CAFO.

David, Will and I look forward to working with you to successfully resolve this matter.

Sincerely,

Stuart

Stuart E. Hunt, Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Lindsey, William [Lindsey.William@epa.gov]  
**Sent:** 4/19/2017 6:50:05 PM  
**To:** Hunt, Stuart [Hunt.Stuart@epa.gov]; Robertson, David [robertson.david@epa.gov]  
**CC:** Freyre, Dominique [Freyre.Dominique@epa.gov]  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

## Ex. 5 - DPP, ACP, and AWP

- Will

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

---

**From:** Hunt, Stuart  
**Sent:** Wednesday, April 19, 2017 2:43 PM  
**To:** Robertson, David <robertson.david@epa.gov>  
**Cc:** Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

David,

Good points. Do you want to send them to Bobby Boyea and Michelle DeGrandi, or do you want me to?

**Ex. 5 - DPP, ACP, and AWP**

Ex. 5 - DPP, ACP, and AWP

Will,

Do you have any comments to add?

Thanks,

Stuart

---

**From:** Robertson, David  
**Sent:** Wednesday, April 19, 2017 2:33 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

Here are my comments to the comments

---

**From:** Hunt, Stuart  
**Sent:** Wednesday, April 19, 2017 8:50 AM

**To:** Boyea, Robert P. <[Ex. 6 - Personal Privacy]@va.gov>

**Cc:** DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Bruick, Robert W. <[Ex. 6 - Personal Privacy]@va.gov>; Robertson, David <robertson.david@epa.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>

**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

Bobby,

Thanks for sending your responses to our comments. We'll let you know if we have any other questions after we review them.

Stuart

Stuart E. Hunt, Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

---

**From:** Boyea, Robert P. [mailto:[Ex. 6 - Personal Privacy]@va.gov]

**Sent:** Wednesday, April 19, 2017 9:38 AM

**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>

**Cc:** DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Bruick, Robert W. <[Ex. 6 - Personal Privacy]@va.gov>

**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

Hello,

I have provided copies of the New Mexico Veterans Affairs Health Care System responses in both attachments. If you have any questions do not hesitate to contact me. Thanks.

**Bobby Boyea**

**Safety Manager**

NMVAHCS, Engineering Service

1501 San Pedro Blvd. S.E.

Albuquerque, NM 87108

Cell Phone: [Ex. 6 - Personal Privacy]

Work: [Ex. 6 - Personal Privacy]

FAX: 505-256-2893

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]

**Sent:** Monday, March 20, 2017 6:50 AM

**To:** Boyea, Robert P.; DeGrandi, Michelle

**Cc:** Robertson, David; Potts, Mark; Tidmore, Guy; Lindsey, William; Freyre, Dominique

**Subject:** [EXTERNAL] VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

SETTLEMENT CONFIDENTIAL COMMUNICATION

Dear Bobby and Michelle,

## Ex. 5 and Ex. 7(a) - DPP and Enforcement

## **Ex. 5 and Ex. 7(a) - DPP and Enforcement**

Please let me know if you have any questions or comments on the draft CAFO.

David, Will and I look forward to working with you to successfully resolve this matter.

Sincerely,

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U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Robertson, David [robertson.david@epa.gov]  
**Sent:** 4/19/2017 6:48:25 PM  
**To:** Hunt, Stuart [Hunt.Stuart@epa.gov]  
**CC:** Lindsey, William [Lindsey.William@epa.gov]; Freyre, Dominique [Freyre.Dominique@epa.gov]  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

Please go ahead and send it out.

---

**From:** Hunt, Stuart  
**Sent:** Wednesday, April 19, 2017 1:43 PM  
**To:** Robertson, David <robertson.david@epa.gov>  
**Cc:** Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

David,

Good points. Do you want to send them to Bobby Boyea and Michelle DeGrandi, or do you want me to?

**Ex. 5 - DPP, ACP, and AWP**

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Do you have any comments to add?

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**From:** Robertson, David  
**Sent:** Wednesday, April 19, 2017 2:33 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

Here are my comments to the comments

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**From:** Hunt, Stuart  
**Sent:** Wednesday, April 19, 2017 8:50 AM  
**To:** Boyea, Robert P. <Ex. 6 - Personal Privacy [REDACTED]@va.gov>  
**Cc:** DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Bruick, Robert W. <Ex. 6 - Personal Privacy [REDACTED]@va.gov>; Robertson, David <robertson.david@epa.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

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**Sent:** Wednesday, April 19, 2017 9:38 AM  
**To:** Hunt, Stuart <[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>  
**Cc:** DeGrandi, Michelle <[Michelle.DeGrandi@va.gov](mailto:Michelle.DeGrandi@va.gov)>; Bruick, Robert W. <[Ex. 6 - Personal Privacy](#)@va.gov>  
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**Bobby Boyea**  
**Safety Manager**  
NMVAHCS, Engineering Service  
1501 San Pedro Blvd. S.E.  
Albuquerque, NM 87108  
Cell Phone: [Ex. 6 - Personal Privacy](#)  
Work: [Ex. 6 - Personal Privacy](#)  
FAX: 505-256-2893

---

**From:** Hunt, Stuart [mailto:[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)]  
**Sent:** Monday, March 20, 2017 6:50 AM  
**To:** Boyea, Robert P.; DeGrandi, Michelle  
**Cc:** Robertson, David; Potts, Mark; Tidmore, Guy; Lindsey, William; Freyre, Dominique  
**Subject:** [EXTERNAL] VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

SETTLEMENT CONFIDENTIAL COMMUNICATION

Dear Bobby and Michelle,

## Ex. 5 and Ex. 7(a) - DPP and Enforcement

## **Ex. 5 and Ex. 7(a) - DPP and Enforcement**

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Message

---

**From:** Hunt, Stuart [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB5315DC1541460A99D94766CADFD624-SHUNT03]  
**Sent:** 4/19/2017 6:39:54 PM  
**To:** Lindsey, William [Lindsey.William@epa.gov]; Freyre, Dominique [freyre.dominique@epa.gov]  
**Subject:** FW: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication  
**Attachments:** dr comments to Albuquerque comments.docx

---

**From:** Robertson, David  
**Sent:** Wednesday, April 19, 2017 2:33 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

Here are my comments to the comments

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**From:** Hunt, Stuart  
**Sent:** Wednesday, April 19, 2017 8:50 AM  
**To:** Boyea, Robert P. <Ex. 6 - Personal Privacy [REDACTED]@va.gov>  
**Cc:** DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Bruick, Robert W. <Ex. 6 - Personal Privacy [REDACTED]@va.gov>; Robertson, David <robertson.david@epa.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

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Federal Facilities Enforcement Office  
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**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Bruick, Robert W. <Ex. 6 - Personal Privacy [REDACTED]@va.gov>  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

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Cell Phone: Ex. 6 - Personal Privacy  
Work: Ex. 6 - Personal Privacy  
FAX: 505-256-2893

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**From:** Hunt, Stuart [<mailto:Hunt.Stuart@epa.gov>]  
**Sent:** Monday, March 20, 2017 6:50 AM  
**To:** Boyea, Robert P.; DeGrandi, Michelle  
**Cc:** Robertson, David; Potts, Mark; Tidmore, Guy; Lindsey, William; Freyre, Dominique  
**Subject:** [EXTERNAL] VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

SETTLEMENT CONFIDENTIAL COMMUNICATION

Dear Bobby and Michelle,

## Ex. 5 and Ex. 7(a) - DPP and Enforcement

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1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Robertson, David [robertson.david@epa.gov]  
**Sent:** 4/19/2017 6:33:16 PM  
**To:** Hunt, Stuart [Hunt.Stuart@epa.gov]  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication  
**Attachments:** dr comments to Albuquerque comments.docx

Here are my comments to the comments

---

**From:** Hunt, Stuart  
**Sent:** Wednesday, April 19, 2017 8:50 AM  
**To:** Boyea, Robert P. <[Ex. 6 - Personal Privacy]@va.gov>  
**Cc:** DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Bruick, Robert W. <[Ex. 6 - Personal Privacy]@va.gov>; Robertson, David <robertson.david@epa.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

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**From:** Boyea, Robert P. [mailto:[Ex. 6 - Personal Privacy]@va.gov]  
**Sent:** Wednesday, April 19, 2017 9:38 AM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Bruick, Robert W. <[Ex. 6 - Personal Privacy]@va.gov>  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

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1501 San Pedro Blvd. S.E.  
Albuquerque, NM 87108  
Cell Phone: [Ex. 6 - Personal Privacy]  
Work: [Ex. 6 - Personal Privacy]

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**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]  
**Sent:** Monday, March 20, 2017 6:50 AM  
**To:** Boyea, Robert P.; DeGrandi, Michelle  
**Cc:** Robertson, David; Potts, Mark; Tidmore, Guy; Lindsey, William; Freyre, Dominique  
**Subject:** [EXTERNAL] VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

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Federal Facilities Enforcement Office  
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1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Hunt, Stuart [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB5315DC1541460A99D94766CADFD624-SHUNT03]  
**Sent:** 4/19/2017 1:49:45 PM  
**To:** Boyea, Robert P. [Ex. 6 - Personal Privacy]@va.gov]  
**CC:** DeGrandi, Michelle [Michelle.DeGrandi@va.gov]; Bruick, Robert W. [Ex. 6 - Personal Privacy]@va.gov]; Robertson, David [robertson.david@epa.gov]; Lindsey, William [Lindsey.William@epa.gov]; Freyre, Dominique [freyre.dominique@epa.gov]  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

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**Sent:** Wednesday, April 19, 2017 9:38 AM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Bruick, Robert W. <[Ex. 6 - Personal Privacy]@va.gov>  
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**Safety Manager**  
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1501 San Pedro Blvd. S.E.  
Albuquerque, NM 87108  
Cell Phone: [Ex. 6 - Personal Privacy]  
Work: [Ex. 6 - Personal Privacy]  
FAX: 505-256-2893

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]  
**Sent:** Monday, March 20, 2017 6:50 AM  
**To:** Boyea, Robert P.; DeGrandi, Michelle  
**Cc:** Robertson, David; Potts, Mark; Tidmore, Guy; Lindsey, William; Freyre, Dominique  
**Subject:** [EXTERNAL] VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

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Dear Bobby and Michelle,

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Message

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**From:** Hunt, Stuart [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB5315DC1541460A99D94766CADFD624-SHUNT03]  
**Sent:** 4/19/2017 1:47:51 PM  
**To:** Robertson, David [robertson.david@epa.gov]; Lindsey, William [Lindsey.William@epa.gov]  
**CC:** Freyre, Dominique [freyre.dominique@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]  
**BCC:** Johnson, Joyce-R6 [johnson.joyce-r6@epa.gov]; Azad, Ava [Azad.Ava@epa.gov]; Dixon, Chelsea [Dixon.Chelsea@epa.gov]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Subject:** FW: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication  
**Attachments:** Albuquerque Response to DR comments.docx; Albuquerque Response to SEH comments.docx

David and Will,

Here are the responses from Bobby Boyea at VA ABQ to the questions David and I had about the information they provided to us on February 15. The first document has David's comments and their responses, and the second is for mine.

## Ex. 5 and Ex. 7(a) - DPP and Enforcement

Stuart

---

**From:** Boyea, Robert P. [mailto:Ex. 6 - Personal Privacy@va.gov]  
**Sent:** Wednesday, April 19, 2017 9:38 AM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Bruick, Robert W. <Ex. 6 - Personal Privacy@va.gov>  
**Subject:** RE: VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

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1501 San Pedro Blvd. S.E.

Albuquerque, NM 87108

Cell Phone: Ex. 6 - Personal Privacy

Work: Ex. 6 - Personal Privacy

FAX: 505-256-2893

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]  
**Sent:** Monday, March 20, 2017 6:50 AM  
**To:** Boyea, Robert P.; DeGrandi, Michelle  
**Cc:** Robertson, David; Potts, Mark; Tidmore, Guy; Lindsey, William; Freyre, Dominique  
**Subject:** [EXTERNAL] VA ABQ - Draft CAFO and Next Steps - Settlement Confidential Communication

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Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Robertson, David [robertson.david@epa.gov]  
**Sent:** 2/16/2017 1:11:55 PM  
**To:** Hunt, Stuart [Hunt.Stuart@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Freyre, Dominique [Freyre.Dominique@epa.gov]  
**CC:** Lindsey, William [Lindsey.William@epa.gov]; Johnson, Joyce-R6 [johnson.joyce-r6@epa.gov]  
**Subject:** RE: Status of Documents  
**Attachments:** Albuquerque EPA Inspection Resolution DR comments.docx

I have made comments to the document.

---

**From:** Hunt, Stuart  
**Sent:** Wednesday, February 15, 2017 4:09 PM  
**To:** Tidmore, Guy <tidmore.guy@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>  
**Cc:** Robertson, David <robertson.david@epa.gov>; Lindsey, William <Lindsey.William@epa.gov>  
**Subject:** FW: Status of Documents

FYI. VA ABQ documents. They were sent to David Robertson.

---

**From:** Boyea, Robert P. [mailto:[Ex. 6 - Personal Privacy@va.gov](mailto:Ex. 6 - Personal Privacy@va.gov)]  
**Sent:** Wednesday, February 15, 2017 5:02 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Lindsey, William <Lindsey.William@epa.gov>; Robertson, David <robertson.david@epa.gov>; DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Bruick, Robert W. <Ex. 6 - Personal Privacy@va.gov>; Webster, John K. <Ex. 6 - Personal Privacy@va.gov>  
**Subject:** Status of Documents

Hello,

Attached is a copy of the Albuquerque, New Mexico, Raymond G. Murphy Veterans Affairs Health Care System (NMVAHCS) corrective actions for potential RCRA violations and proposed penalty. If you have questions do not hesitate to call me at below numbers or respond to me via email at [Ex. 6 - Personal Privacy@va.gov](mailto:Ex. 6 - Personal Privacy@va.gov). Thanks for your patients.

**Bobby Boyea**  
**Safety Manager**  
NMVAHCS, Engineering Service  
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Cell Phone: [Ex. 6 - Personal Privacy](tel:Ex. 6 - Personal Privacy)  
Work: [Ex. 6 - Personal Privacy](tel:Ex. 6 - Personal Privacy)  
FAX: 505-256-2893

---

**From:** Hunt, Stuart [mailto:[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)]  
**Sent:** Wednesday, February 15, 2017 10:27 AM  
**To:** DeGrandi, Michelle  
**Cc:** Boyea, Robert P.; Lindsey, William; Robertson, David  
**Subject:** [EXTERNAL] Status of Documents for VA ABQ/

Dear Michelle,

When will VA ABQ send us the documents we discussed during our February 1 call? David Robertson will be very busy on other matters for the next couple of weeks, so he would very much appreciate getting the documents by 2:00 today, if at all possible, so he can review them now, rather than weeks from now.

Thanks for your help on this.

Stuart

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Federal Facilities Enforcement Office  
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Message

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**Sent:** 2/15/2017 10:08:41 PM  
**To:** Tidmore, Guy [tidmore.guy@epa.gov]; Freyre, Dominique [freyre.dominique@epa.gov]  
**CC:** Robertson, David [robertson.david@epa.gov]; Lindsey, William [Lindsey.William@epa.gov]  
**BCC:** Azad, Ava [Azad.Ava@epa.gov]; Dixon, Chelsea [Dixon.Chelsea@epa.gov]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Subject:** FW: Status of Documents  
**Attachments:** Albuquerque EPA Inspection Resolution (Attached Photos).pdf

FYI. VA ABQ documents. They were sent to David Robertson.

---

**From:** Boyea, Robert P. [mailto:Ex. 6 - Personal Privacy@va.gov]  
**Sent:** Wednesday, February 15, 2017 5:02 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Lindsey, William <Lindsey.William@epa.gov>; Robertson, David <robertson.david@epa.gov>; DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Bruick, Robert W. <Ex. 6 - Personal Privacy@va.gov>; Webster, John K. <Ex. 6 - Personal Privacy@va.gov>  
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**Sent:** Wednesday, February 15, 2017 10:27 AM  
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**Cc:** Boyea, Robert P.; Lindsey, William; Robertson, David  
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1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Boyea, Robert P. [Ex. 6 - Personal Privacy]@va.gov]  
**Sent:** 2/15/2017 10:01:50 PM  
**To:** Hunt, Stuart [Hunt.Stuart@epa.gov]  
**CC:** Lindsey, William [Lindsey.William@epa.gov]; Robertson, David [robertson.david@epa.gov]; DeGrandi, Michelle [Michelle.DeGrandi@va.gov]; Bruick, Robert W. [Ex. 6 - Personal Privacy]@va.gov]; Webster, John K. [Ex. 6 - Personal Privacy]@va.gov]  
**Subject:** Status of Documents  
**Attachments:** Albuquerque EPA Inspection Resolution (Attached Photos).pdf

Hello,

Attached is a copy of the Albuquerque, New Mexico, Raymond G. Murphy Veterans Affairs Health Care System (NMVAHCS) corrective actions for potential RCRA violations and proposed penalty. If you have questions do not hesitate to call me at below numbers or respond to me via email at [Ex. 6 - Personal Privacy]@va.gov. Thanks for your patients.

**Bobby Boyea**

**Safety Manager**

NMVAHCS, Engineering Service  
1501 San Pedro Blvd. S.E.  
Albuquerque, NM 87108  
Cell Phone: [Ex. 6 - Personal Privacy]  
Work: [Ex. 6 - Personal Privacy]  
FAX: 505-256-2893

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]  
**Sent:** Wednesday, February 15, 2017 10:27 AM  
**To:** DeGrandi, Michelle  
**Cc:** Boyea, Robert P.; Lindsey, William; Robertson, David  
**Subject:** [EXTERNAL] Status of Documents for VA ABQ/

Dear Michelle,

When will VA ABQ send us the documents we discussed during our February 1 call? David Robertson will be very busy on other matters for the next couple of weeks, so he would very much appreciate getting the documents by 2:00 today, if at all possible, so he can review them now, rather than weeks from now.

Thanks for your help on this.

Stuart

Stuart E. Hunt, Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** DeGrandi, Michelle [Michelle.DeGrandi@va.gov]  
**Sent:** 6/22/2017 9:07:25 PM  
**To:** Hunt, Stuart [Hunt.Stuart@epa.gov]  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

I say the typo right as I hit send. It should say "system."

Michelle M. DeGrandi  
Environmental Attorney  
Office of General Counsel (RPLG)  
Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221  
(913) 400-2106

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]  
**Sent:** Thursday, June 22, 2017 4:05 PM  
**To:** DeGrandi, Michelle  
**Cc:** Boyea, Robert P.; Lindsey, William; Freyre, Dominique; Robertson, David  
**Subject:** [EXTERNAL] RE: VA ABQ - Review of Revised Draft CAFO

Michelle,

Please send me the name and address for the VA contact in the Certificate of Service, which is on the last page of the document. Once we have that, we can start the concurrence process in Region 6.

Thanks!

Stuart

---

**From:** DeGrandi, Michelle [mailto:Michelle.DeGrandi@va.gov]  
**Sent:** Thursday, June 22, 2017 4:40 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Boyea, Robert P. <[Ex. 6 - Personal Privacy]@va.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Robertson, David <robertson.david@epa.gov>  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

Attached is the draft CAFO with the requested information. If you need anything else, just let me know. Otherwise, we'll stand by for the final copy for signature.

Thanks!

Michelle M. DeGrandi  
Environmental Attorney  
Office of General Counsel (RPLG)  
Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221  
(913) 400-2106

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]  
**Sent:** Friday, June 16, 2017 8:25 AM

**To:** DeGrandi, Michelle

**Cc:** Boyea, Robert P.; Lindsey, William; Freyre, Dominique; Robertson, David

**Subject:** [EXTERNAL] VA ABQ - Review of Revised Draft CAFO

Dear Michelle,

## **Ex. 5 and Ex. 7(a) - DPP and Enforcement**

Thank you for your cooperation in resolving this matter.

Stuart

Stuart E. Hunt, Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** DeGrandi, Michelle [Michelle.DeGrandi@va.gov]  
**Sent:** 6/22/2017 9:06:55 PM  
**To:** Hunt, Stuart [Hunt.Stuart@epa.gov]  
**CC:** Boyea, Robert P. [Ex. 6 - Personal Privacy]@va.gov]; Lindsey, William [Lindsey.William@epa.gov]; Freyre, Dominique [Freyre.Dominique@epa.gov]; Robertson, David [robertson.david@epa.gov]  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

It's:

Robert Bruick, Chief, Engineering (138)  
New Mexico VA Health Care System  
1501 San Pedro SE  
Albuquerque, NM 87108

Michelle M. DeGrandi  
Environmental Attorney  
Office of General Counsel (RPLG)  
Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221  
(913) 400-2106

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**Sent:** Thursday, June 22, 2017 4:05 PM  
**To:** DeGrandi, Michelle  
**Cc:** Boyea, Robert P.; Lindsey, William; Freyre, Dominique; Robertson, David  
**Subject:** [EXTERNAL] RE: VA ABQ - Review of Revised Draft CAFO

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Department of Veterans Affairs  
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**Sent:** Friday, June 16, 2017 8:25 AM  
**To:** DeGrandi, Michelle  
**Cc:** Boyea, Robert P.; Lindsey, William; Freyre, Dominique; Robertson, David  
**Subject:** [EXTERNAL] VA ABQ - Review of Revised Draft CAFO

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## Ex. 5 and Ex. 7(a) - DPP and Enforcement

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Stuart

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U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Hunt, Stuart [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB5315DC1541460A99D94766CADFD624-SHUNT03]  
**Sent:** 6/22/2017 8:58:46 PM  
**To:** Potts, Mark [Potts.Mark@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Johnson, Joyce-R6 [johnson.joyce-r6@epa.gov]  
**CC:** Robertson, David [robertson.david@epa.gov]  
**Subject:** FW: VA ABQ - Review of Revised Draft CAFO

FYI

---

**From:** Hunt, Stuart  
**Sent:** Thursday, June 22, 2017 4:55 PM  
**To:** Lindsey, William <Lindsey.William@epa.gov>  
**Cc:** Freyre, Dominique <freyre.dominique@epa.gov>; Robertson, David <robertson.david@epa.gov>  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

Will,

## Ex. 5 - DPP, ACP, and AWP

David,

# Ex. 5 - DPP, ACP, and AWP

Stuart

---

**From:** Lindsey, William  
**Sent:** Thursday, June 22, 2017 4:43 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Freyre, Dominique <Freyre.Dominique@epa.gov>; Robertson, David <robertson.david@epa.gov>  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

Superb!

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

---

**From:** DeGrandi, Michelle [mailto:Michelle.DeGrandi@va.gov]  
**Sent:** Thursday, June 22, 2017 4:40 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Boyea, Robert P. [Ex. 6 - Personal Privacy]@va.gov; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique

<Freyre.Dominique@epa.gov>; Robertson, David <robertson.david@epa.gov>

**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

Attached is the draft CAFO with the requested information. If you need anything else, just let me know. Otherwise, we'll stand by for the final copy for signature.

Thanks!

Michelle M. DeGrandi  
Environmental Attorney  
Office of General Counsel (RPLG)  
Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221  
(913) 400-2106

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]

**Sent:** Friday, June 16, 2017 8:25 AM

**To:** DeGrandi, Michelle

**Cc:** Boyea, Robert P.; Lindsey, William; Freyre, Dominique; Robertson, David

**Subject:** [EXTERNAL] VA ABQ - Review of Revised Draft CAFO

Dear Michelle,

## Ex. 5 and Ex. 7(a) - DPP and Enforcement

Thank you for your cooperation in resolving this matter.

Stuart

Stuart E. Hunt, Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Hunt, Stuart [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB5315DC1541460A99D94766CADFD624-SHUNT03]  
**Sent:** 6/22/2017 8:54:34 PM  
**To:** Lindsey, William [Lindsey.William@epa.gov]  
**CC:** Freyre, Dominique [freyre.dominique@epa.gov]; Robertson, David [robertson.david@epa.gov]  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

Will,

## Ex. 5 - DPP, ACP, and AWP

David,

## Ex. 5 - DPP, ACP, and AWP

Stuart

---

**From:** Lindsey, William  
**Sent:** Thursday, June 22, 2017 4:43 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Freyre, Dominique <Freyre.Dominique@epa.gov>; Robertson, David <robertson.david@epa.gov>  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

Superb!

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

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**From:** DeGrandi, Michelle [mailto:Michelle.DeGrandi@va.gov]  
**Sent:** Thursday, June 22, 2017 4:40 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Boyea, Robert P. <Ex. 6 - Personal Privacy@va.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Robertson, David <robertson.david@epa.gov>  
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Michelle M. DeGrandi  
Environmental Attorney

Office of General Counsel (RPLG)  
Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221  
(913) 400-2106

---

**From:** Hunt, Stuart [<mailto:Hunt.Stuart@epa.gov>]  
**Sent:** Friday, June 16, 2017 8:25 AM  
**To:** DeGrandi, Michelle  
**Cc:** Boyea, Robert P.; Lindsey, William; Freyre, Dominique; Robertson, David  
**Subject:** [EXTERNAL] VA ABQ - Review of Revised Draft CAFO

Dear Michelle,

## Ex. 5 and Ex. 7(a) - DPP and Enforcement

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U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** DeGrandi, Michelle [Michelle.DeGrandi@va.gov]  
**Sent:** 6/22/2017 8:40:28 PM  
**To:** Hunt, Stuart [Hunt.Stuart@epa.gov]  
**CC:** Boyea, Robert P. [Ex. 6 - Personal Privacy@va.gov]; Lindsey, William [Lindsey.William@epa.gov]; Freyre, Dominique [Freyre.Dominique@epa.gov]; Robertson, David [robertson.david@epa.gov]  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO  
**Attachments:** R6 VA ABQ Draft CAFO v11 (3).doc

Attached is the draft CAFO with the requested information. If you need anything else, just let me know. Otherwise, we'll stand by for the final copy for signature.

Thanks!

Michelle M. DeGrandi  
Environmental Attorney  
Office of General Counsel (RPLG)  
Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221  
(913) 400-2106

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]  
**Sent:** Friday, June 16, 2017 8:25 AM  
**To:** DeGrandi, Michelle  
**Cc:** Boyea, Robert P.; Lindsey, William; Freyre, Dominique; Robertson, David  
**Subject:** [EXTERNAL] VA ABQ - Review of Revised Draft CAFO

Dear Michelle,

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U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Hunt, Stuart [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB5315DC1541460A99D94766CADFD624-SHUNT03]  
**Sent:** 6/19/2017 12:40:10 PM  
**To:** Potts, Mark [Potts.Mark@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Johnson, Joyce-R6 [johnson.joyce-r6@epa.gov]  
**CC:** Lindsey, William [Lindsey.William@epa.gov]  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

**Ex. 5 - Attorney Client**

---

**From:** Potts, Mark  
**Sent:** Monday, June 19, 2017 8:40 AM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>  
**Cc:** Lindsey, William <Lindsey.William@epa.gov>  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

Thanks. 

**Ex. 5 - Attorney Client**

---

**From:** Hunt, Stuart  
**Sent:** Monday, June 19, 2017 6:38 AM  
**To:** Potts, Mark <Potts.Mark@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>  
**Cc:** Lindsey, William <Lindsey.William@epa.gov>  
**Subject:** FW: VA ABQ - Review of Revised Draft CAFO

FYI

---

**From:** DeGrandi, Michelle [mailto:Michelle.DeGrandi@va.gov]  
**Sent:** Friday, June 16, 2017 5:36 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Boyea, Robert P. <Ex. 6 - Personal Privacy@va.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Robertson, David <robertson.david@epa.gov>  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

Stuart - I was out of the office on another case last week. Let me confirm with the facility that they have no changes and get the appropriate names for you. Then we should be able to wrap this up!

Michelle M. DeGrandi  
Environmental Attorney  
Office of General Counsel (RPLG)  
Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221  
(913) 400-2106

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]  
**Sent:** Friday, June 16, 2017 8:25 AM  
**To:** DeGrandi, Michelle  
**Cc:** Boyea, Robert P.; Lindsey, William; Freyre, Dominique; Robertson, David  
**Subject:** [EXTERNAL] VA ABQ - Review of Revised Draft CAFO

Dear Michelle,

## **Ex. 5 and Ex. 7(a) - DPP and Enforcement**

Thank you for your cooperation in resolving this matter.

Stuart

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U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

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**From:** Potts, Mark [Potts.Mark@epa.gov]  
**Sent:** 6/19/2017 12:39:34 PM  
**To:** Hunt, Stuart [Hunt.Stuart@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Johnson, Joyce-R6 [johnson.joyce-r6@epa.gov]  
**CC:** Lindsey, William [Lindsey.William@epa.gov]  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

Thanks. **Ex. 5 - Attorney Client**

---

**From:** Hunt, Stuart  
**Sent:** Monday, June 19, 2017 6:38 AM  
**To:** Potts, Mark <Potts.Mark@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>  
**Cc:** Lindsey, William <Lindsey.William@epa.gov>  
**Subject:** FW: VA ABQ - Review of Revised Draft CAFO

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**From:** DeGrandi, Michelle [mailto:Michelle.DeGrandi@va.gov]  
**Sent:** Friday, June 16, 2017 5:36 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Boyea, Robert P. <Ex. 6 - Personal Privacy@va.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Robertson, David <robertson.david@epa.gov>  
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**To:** Potts, Mark [Potts.Mark@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Johnson, Joyce-R6 [johnson.joyce-r6@epa.gov]  
**CC:** Lindsey, William [Lindsey.William@epa.gov]  
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**Cc:** Boyea, Robert P. <[Ex. 6 - Personal Privacy]@va.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Robertson, David <robertson.david@epa.gov>  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

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**To:** DeGrandi, Michelle  
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**Subject:** [EXTERNAL] VA ABQ - Review of Revised Draft CAFO

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Federal Facilities Enforcement Office  
WJC South Room 2211A

1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

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**From:** DeGrandi, Michelle [Michelle.DeGrandi@va.gov]  
**Sent:** 6/16/2017 9:35:52 PM  
**To:** Hunt, Stuart [Hunt.Stuart@epa.gov]  
**CC:** Boyea, Robert P. [Ex. 6 - Personal Privacy]@va.gov]; Lindsey, William [Lindsey.William@epa.gov]; Freyre, Dominique [Freyre.Dominique@epa.gov]; Robertson, David [robertson.david@epa.gov]  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

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Michelle M. DeGrandi  
Environmental Attorney  
Office of General Counsel (RPLG)  
Department of Veterans Affairs  
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Overland Park, KS 66221  
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**Sent:** Friday, June 16, 2017 8:25 AM  
**To:** DeGrandi, Michelle  
**Cc:** Boyea, Robert P.; Lindsey, William; Freyre, Dominique; Robertson, David  
**Subject:** [EXTERNAL] VA ABQ - Review of Revised Draft CAFO

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U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**Sent:** 4/24/2017 1:18:56 PM  
**To:** Emmerson, Caroline [Emmerson.Caroline@epa.gov]  
**CC:** Folkemer, Nathaniel [Folkemer.Nathaniel@epa.gov]  
**BCC:** Dalzell, Sally [Dalzell.Sally@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]  
**Subject:** Kudos FW: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

This message is CONFIDENTIAL and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

---

**From:** Dalzell, Sally  
**Sent:** Monday, April 24, 2017 9:04 AM  
**To:** Muller, Marie <MULLER.MARIE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>  
**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

FFEO has consistently objected to this language over the last 2 years.

I am in the process of getting language to send to Nate. He has been fantastic at flagging it for us.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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---

**From:** Muller, Marie

**Sent:** Monday, April 24, 2017 9:03 AM

**To:** Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>

**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Thanks to both of you, this is very helpful. Will one of you reach out to Nate and flag this as a concern so he may keep a look out as well in other legislation that comes up?

Thank you.

Marie Muller  
Director, Site Remediation and Enforcement Staff  
Federal Facility Enforcement Office - MC 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202-564-0217  
202-501-0069 (fax)

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---

**From:** Pendleton, Gracie

**Sent:** Monday, April 24, 2017 8:57 AM

**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>

**Subject:** Re: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Thanks Stuart.

## Ex. 5 - Deliberative Process

Thanks!

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A

Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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---

**From:** Hunt, Stuart  
**Sent:** Monday, April 24, 2017 8:08 AM  
**To:** Leff, Karin; Muller, Marie; Dalzell, Sally; Pendleton, Gracie  
**Subject:** FW: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Karin, Marie, Sally, and Gracie,

## Ex. 5 - Deliberative Process

Stuart

---

**From:** Folkemer, Nathaniel  
**Sent:** Friday, April 21, 2017 5:11 PM  
**To:** Hunt, Stuart <[Hunt.Stuart@epa.gov](mailto:Hunt.Stuart@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Cc:** Ingram, Amir <[Ingram.Amir@epa.gov](mailto:Ingram.Amir@epa.gov)>; Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>  
**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Stuart,  
Attached are the three proposals.  
Nate

---

**From:** Hunt, Stuart  
**Sent:** Friday, April 21, 2017 4:10 PM  
**To:** Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Cc:** Ingram, Amir <Ingram.Amir@epa.gov>  
**Subject:** RE: Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

Nate,

Please also request 017 (lease improvements Plant 42) and send it to us.

Thanks,

Stuart

---

**From:** Folkemer, Nathaniel  
**Sent:** Friday, April 21, 2017 3:27 PM  
**To:** Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Ingram, Amir <Ingram.Amir@epa.gov>  
**Subject:** Comments due COB Thur. 4/27- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

FFEO,

Please review the attached legislative proposals for the FY 18 NDAA. Proposals 029 and 030 both request authority to make stipulated penalties under Federal Facilities Agreements. There are two other proposals, 023 and 028, that involve land conveyances I've asked OCIR for but have not received them yet so I will circulate them to you next week. Please let me know if you have any comments and/or redline changes to address your comments **by COB on Thursday April 27<sup>th</sup>**.

Nate

---

**From:** Levine, Carolyn  
**Sent:** Friday, April 21, 2017 9:50 AM  
**To:** Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Tate, Ragan <Tate.Ragan@epa.gov>  
**Cc:** Snyder, Raquel <Snyder.Raquel@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>  
**Subject:** REVIEW: April 28 deadline- LRM [BL-115-36A] DEFENSE Draft Bill on National Defense Authorization Act for FY 2018 Second Batch

**NOTE: COMMENTS DUE TO RAQUEL SNYDER - DEADLINE: 11am Friday, April 28, 2017**

Attached are proposals for possible inclusion in the DOD's National Defense Authorization Act for FY 2017. The excel

document lists each proposal with the potential agency interest in order to help all agencies prioritize review. Note that I have only included **proposals 29, 30 and 49** for EPA review due to email size. If there are proposals listed on the spreadsheet that you would like to review, please let me or Raquel know.

Please note in particular proposals 029 and 030 which would authorize stipulated penalties due to EPA. Secondary priority: proposals 49 which addresses potential near federal lands.

Please review and provide your response to Raquel Snyder by the April 28 deadline.

Thanks,  
Carolyn

-----  
*Carolyn Levine*  
*Office of Congressional and*  
*Intergovernmental Relations*  
U.S. EPA  
(202) 564-1859  
[levine.carolyn@epa.gov](mailto:levine.carolyn@epa.gov)

**To:** Leff, Karin[Leff.Karin@epa.gov]  
**Cc:** Bowers, Terry L CIV OSD OUSD ATL (US)[terry.l.bowers14.civ@mail.mil]  
**From:** Sullivan, Maureen SES OSD OUSD ATL (US)  
**Sent:** Fri 5/19/2017 7:38:37 PM  
**Subject:** RE: [Non-DoD Source] Cutler Press Release and follow up from our meeting last week  
(UNCLASSIFIED)  
[smime.p7s](#)

CLASSIFICATION: UNCLASSIFIED

Thanks Karin. Appreciate you sharing the Press Release. It has caused quite a discussion over here.

## Ex. 5 - Deliberative Process

Have a good weekend.

Maureen Sullivan  
DASD(ESOH)  
(703)695-7957  
Blackberry Cell (703)509-2089  
[Maureen.sullivan18.civ@mail.mil](mailto:Maureen.sullivan18.civ@mail.mil)

\*\*\*\*\*NEW\*\*\*\*\*

Nicha Jumsil  
Executive Assistant  
Pentagon, Room 5C646  
(703)571-0071  
[nicha.jumsil.ctr@mail.mil](mailto:nicha.jumsil.ctr@mail.mil)

-----Original Message-----

From: Leff, Karin [<mailto:Leff.Karin@epa.gov>]  
Sent: Friday, May 19, 2017 3:17 PM  
To: Sullivan, Maureen SES OSD OUSD ATL (US) <[maureen.sullivan18.civ@mail.mil](mailto:maureen.sullivan18.civ@mail.mil)>  
Subject: [Non-DoD Source] Cutler Press Release and follow up from our meeting last week

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

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Maureen, below please see the press release that was issued on the Cutler settlement.

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

On a related note, I would like to continue our discussion regarding FedCenter, which currently is how we do our compliance outreach. I'm happy to give you any information you need to check on the usefulness of the Center to your folks.

## Ex. 5 - Deliberative Process

U.S. Environmental Protection Agency  
New England Regional Office  
May 17, 2017

Contact: David Deegan, (617) 918-1017

U.S. Navy Facility in Cutler, Maine Has Taken Steps to Reduce Emissions under Agreement

BOSTON - The U.S. Navy has taken steps to reduce emissions of hazardous air pollutants from its stationary diesel generators under an agreement signed recently with the U.S. Environmental Protection Agency.

The agreement relates to the Navy's operation of large diesel powered engines used to generate electricity at the Naval Computer and Telecommunications Area Master Station, Atlantic Detachment, located in Cutler, Maine. The power needed to transmit messages and to de-ice the antennas is supplied by four 4,066 horsepower engines with the capability to generate 3,000 kW of electricity each, and one 906 horsepower engine that has the capability to generate 750 kW of electricity. All five of these engines are subject to the National Emission Standards for Hazardous Air Pollutants for stationary reciprocating internal combustion engines.

To achieve compliance with the federal Clean Air Act requirements for the Navy's large engines, the Navy has installed pollution control equipment on all five of the engines and has completed initial performance tests to demonstrate that the engines meet the national emissions standards. The Navy also submitted the required notifications and compliance status reports to EPA. Under the agreement, the Navy will also pay a penalty of \$811,000 for its violations of the Clean Air Act.

By retrofitting its stationary diesel engines, the Navy is helping reduce hazardous air pollutants such as formaldehyde. Exposure to air toxics may produce a wide variety of health difficulties. Compliance with emission standards also helps reduce emissions of carbon monoxide, nitrogen oxides, volatile organic compounds, and particulate matter. The health effects of these pollutants include a range of respiratory issues, especially asthma among children and seniors.

More information:

- EPA continues to work closely with its federal partners to improve compliance at federally owned and operated facilities and to address instances of non-compliance. EPA is in the process of developing a webinar to further educate the regulated community about the requirements that apply to reciprocating internal combustion engines. More information on the webinar will be announced on FedCenter (Caution-<https://www.fedcenter.gov/> < Caution-<https://www.fedcenter.gov/> > ) later this summer.

- EPA's website on stationary sources of air pollution contains additional resources about this and other important issues for federal facilities and the regulated community (Caution-<https://www.epa.gov/stationary-engines> < Caution-<https://www.epa.gov/stationary-engines> > ).

- EPA Clean Air Act enforcement:Caution-<https://www.epa.gov/enforcement/air-enforcement> < Caution-

<https://www.epa.gov/enforcement/air-enforcement> >

# # #

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Follow EPA New England on Twitter < Caution-<http://USEPA.pr-optout.com/Tracking.aspx?Data=HHL%3d8-5695-%3eLCE583339%26SDG%3c90%3a.&RE=MC&RI=4704149&Preview=False&DistributionActionID=36415&Action=Follow+Link> > (Caution-<http://twitter.com/epanewengland> < Caution-<http://twitter.com/epanewengland> > )

Connect with EPA New England on Facebook < Caution-<http://USEPA.pr-optout.com/Tracking.aspx?Data=HHL%3d8-5695-%3eLCE583339%26SDG%3c90%3a.&RE=MC&RI=4704149&Preview=False&DistributionActionID=36414&Action=Follow+Link> > (Caution-<https://www.facebook.com/EPARegion1> < Caution-<https://www.facebook.com/EPARegion1> > )

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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CLASSIFICATION: UNCLASSIFIED

Message

---

**From:** Miles, Erin [Miles.Erin@epa.gov]  
**Sent:** 5/18/2017 3:08:41 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]  
**Subject:** RE: Administrator's Report

I shortened it a bit. Look accurate?

## Ex. 5 - Deliberative Process

---

**From:** Leff, Karin  
**Sent:** Wednesday, May 17, 2017 3:55 PM  
**To:** Miles, Erin <Miles.Erin@epa.gov>  
**Subject:** Re: Administrator's Report

It's set just not a specific date.

Sent from my iPhone

On May 17, 2017, at 3:42 PM, Miles, Erin <[Miles.Erin@epa.gov](mailto:Miles.Erin@epa.gov)> wrote:

Thanks. Is the compliance assistance event pretty set? Or still just in early formative stages?

---

**From:** Leff, Karin  
**Sent:** Wednesday, May 17, 2017 2:39 PM  
**To:** Miles, Erin <[Miles.Erin@epa.gov](mailto:Miles.Erin@epa.gov)>  
**Subject:** Administrator's Report

Erin, I believe that Region 1 is planning today on issuing a press release regarding the Cutler Naval Station settlement for violations of CAA RICE requirements and a penalty of \$811,000. Although this isn't new, what is new about this release is that HQ has coordinated with Region 1, OAQPS and DoD to incorporate a compliance assistance event – a webinar – late this summer to provide information to federal agencies and states nationwide on compliance issues with RICE requirements we've identified. We are using our full complement of tools to ensure compliance by federal sector with these CAA requirements. I'm attaching the longer write up I provided you last week for Larry's meeting Monday with the Administrator.

# **Ex. 5 - Deliberative Process**

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Message

---

**From:** Miles, Erin [Miles.Erin@epa.gov]  
**Sent:** 5/17/2017 7:42:00 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]  
**Subject:** RE: Administrator's Report

Thanks. Is the compliance assistance event pretty set? Or still just in early formative stages?

---

**From:** Leff, Karin  
**Sent:** Wednesday, May 17, 2017 2:39 PM  
**To:** Miles, Erin <Miles.Erin@epa.gov>  
**Subject:** Administrator's Report

Erin, I believe that Region 1 is planning today on issuing a press release regarding the Cutler Naval Station settlement for violations of CAA RICE requirements and a penalty of \$811,000. Although this isn't new, what is new about this release is that HQ has coordinated with Region 1, OAQPS and DoD to incorporate a compliance assistance event – a webinar – late this summer to provide information to federal agencies and states nationwide on compliance issues with RICE requirements we've identified. We are using our full complement of tools to ensure compliance by federal sector with these CAA requirements. I'm attaching the longer write up I provided you last week for Larry's meeting Monday with the Administrator.

## Ex. 5 - Deliberative Process

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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Thank you.

**To:** Shinkman, Susan[Shinkman.Susan@epa.gov]; Opekar, Kimberly[Opekar.Kimberly@epa.gov]; Studlien, Susan[Studlien.Susan@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Tue 4/11/2017 5:27:53 PM  
**Subject:** FW: Daily Enforcement Report  
OECA Daily Report carry-over items 4 11 17.docx

FYI.

Larry

**From:** Starfield, Lawrence  
**Sent:** Tuesday, April 11, 2017 1:27 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Justin Schwab (schwab.justin@epa.gov) <schwab.justin@epa.gov>; Byron Brown (brown.byron@epa.gov) <brown.byron@epa.gov>; Mike Flynn (Flynn.Mike@epa.gov) <Flynn.Mike@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Torma, Tim <Torma.Tim@epa.gov>; Samantha Dravis (dravis.samantha@epa.gov) <dravis.samantha@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>; Deb Szaro (Szaro.Deb@epa.gov) <Szaro.Deb@epa.gov>  
**Subject:** Daily Enforcement Report

Ryan,

We have one case filing deadline to flag today:

**Ex. 5 - DPP, ACP, and AWP**

April 17.

I wanted to give you a heads up on two items:

## **Ex. 5 - DPP, ACP, and AWP**

## **Ex. 5 - DPP, ACP, and AWP**

Also attached is a list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)  
(202) 564-8179 (direct)

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immediately, do not copy, and notify the sender. Thank you.

**To:** Chu, Ed[Chu.Ed@epa.gov]  
**Cc:** Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Swack, David[Swack.David@epa.gov]; Mackey, Cyndy[Mackey.Cyndy@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]  
**From:** Badalamente, Mark  
**Sent:** Sat 3/25/2017 11:07:25 PM  
**Subject:** Budget impacts questions

Ed -

Per our conversation last week, I solicited questions from our Office Directors to help visits the discussion with the acting RAs on Monday.

I've only heard from our Superfund and Federal Facilities enforcement offices - their suggestions are below. I'll forward anything else I receive before Monday afternoon. And of course, as we discussed last week, we welcome all input, and the conversation should not be limited by the topics below.

Superfund enforcement:

## Ex. 5 - Deliberative Process

Federal Facilities Enforcement:

## Ex. 5 - Deliberative Process

-- Mark

Sent from my Windows Phone

Message

---

**From:** Cozad, David [Cozad.David@epa.gov]  
**Sent:** 2/17/2017 2:15:50 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]  
**Subject:** RE: Cutler Naval Air Station

Can we make it 10? I have to talk with Justin at 9:30. Sorry -

---

**From:** Leff, Karin  
**Sent:** Friday, February 17, 2017 8:28 AM  
**To:** Cozad, David <Cozad.David@epa.gov>  
**Subject:** Re: Cutler Naval Air Station

I'll come by then.

Sent from my iPhone

On Feb 16, 2017, at 7:28 PM, Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)> wrote:

Hi Karin,

Meet at 9:30? See below for background. Hope your trip to Oak Ridge was fruitful.

Dave

---

**From:** Starfield, Lawrence  
**Sent:** Thursday, February 16, 2017 4:15 PM  
**To:** Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>  
**Subject:** FW: Cutler Naval Air Station

Dave,

Susan has talked to Karin about this, and hopefully this will work out. Just in case, here's her summary of the issue. Please talk to FFEO and see if we can all come together on this.

Thanks.

Larry

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---

**From:** Studlien, Susan  
**Sent:** Thursday, February 16, 2017 10:49 AM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Subject:** Cutler Naval Air Station

Larry,

As discussed, below is a quick summary of the **Ex. 5 - DPP, ACP, and AWP** from our regional perspective. Hoping this is resolved or that we find a path toward resolution on February 21 call.

## **Ex. 5 - DPP, ACP, and AWP**

Susan Studlien, Director  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region i  
5 Post Office Square  
Boston, Massachusetts 02109  
Phone: 617-918-1701  
Mobile: 857-225-2121

Message

---

**From:** Cozad, David [Cozad.David@epa.gov]  
**Sent:** 2/17/2017 12:28:32 AM  
**To:** Leff, Karin [Leff.Karin@epa.gov]  
**Subject:** FW: Cutler Naval Air Station

Hi Karin,

Meet at 9:30? See below for background. Hope your trip to Oak Ridge was fruitful.

Dave

---

**From:** Starfield, Lawrence  
**Sent:** Thursday, February 16, 2017 4:15 PM  
**To:** Cozad, David <Cozad.David@epa.gov>  
**Subject:** FW: Cutler Naval Air Station

Dave,

Susan has talked to Karin about this, and hopefully this will work out. Just in case, here's her summary of the issue. Please talk to FFEO and see if we can all come together on this.

Thanks.

Larry

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---

**From:** Studlien, Susan  
**Sent:** Thursday, February 16, 2017 10:49 AM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Subject:** Cutler Naval Air Station

Larry,

As discussed, below is a quick summary of the **Ex. 5 - DPP, ACP, and AWP** from our regional perspective. Hoping this is resolved or that we find a path toward resolution on February 21 call.

# Ex. 5 - DPP, ACP, and AWP

# **Ex. 5 - DPP, ACP, and AWP**

Susan Studlien, Director  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region I  
5 Post Office Square  
Boston, Massachusetts 02109  
Phone: 617-918-1701  
Mobile: 857-225-2121

Message

---

**From:** Cozad, David [Cozad.David@epa.gov]  
**Sent:** 2/16/2017 9:55:51 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]  
**Subject:** RE: Update on Cutler

Hi Karin,

Can we talk about this briefly tomorrow sometime? You around?

---

**From:** Leff, Karin  
**Sent:** Tuesday, February 14, 2017 7:42 AM  
**To:** Cozad, David <Cozad.David@epa.gov>  
**Subject:** Re: Update on Cutler

Ex. 5 7(e) - DPP, ACP, and AWP and procedures

Sent from my iPhone

On Feb 13, 2017, at 6:24 PM, Cozad, David <Cozad.David@epa.gov> wrote:

**Ex. 5 - Deliberative Process and Ex. 7(e)**

Sent from my iPhone

On Feb 13, 2017, at 6:13 PM, Leff, Karin <Leff.Karin@epa.gov> wrote:

Had a few calls with Susan Studlien today and I want to let you know where we stand regarding the Cutler settlement:

**Ex. 5 - DPP, ACP, and AWP and Ex. 7(e)**

**Ex. 5 - DPP, ACP, and AWP and Ex. 7(e)**

## **Ex. 5 - DPP, ACP, and AWP and Ex. 7(e)**

if you have any questions. Karin

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Message

---

**From:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Sent:** 1/24/2017 8:04:50 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]; Cozad, David [Cozad.David@epa.gov]  
**Subject:** FW: Hot Issue with the Army at Fort Devens

Sorry -- just seeing this now. FYI.

Larry

---

**From:** Szaro, Deb  
**Sent:** Tuesday, January 24, 2017 8:41 AM  
**To:** McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Kenyon, Michael <Kenyon.Michael@epa.gov>; Hull, George <Hull.George@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>  
**Cc:** Hautamaki, Jared <Hautamaki.Jared@epa.gov>; Naples, Eileen <Naples.Eileen@epa.gov>; Studlien, Susan <Studlien.Susan@epa.gov>; Olson, Bryan <Olson.Bryan@epa.gov>; Moraff, Kenneth <Moraff.Ken@epa.gov>; Gutro, Doug <Gutro.Doug@epa.gov>  
**Subject:** Hot Issue with the Army at Fort Devens

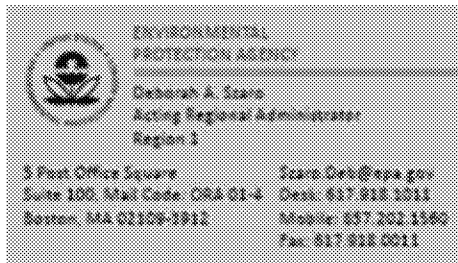
## Ex. 5 and Ex. 7(e) - DPP, ACP, and Enforcement

Ex. 5 and Ex. 7(e) - DPP, ACP, and Enforcement If you have any concerns, please let me know ASAP.

Background

## Ex. 5 and Ex. 7(e) - DPP, ACP, AWP, and Enforcement

## Ex. 5 and Ex. 7(e) - DPP, ACP, AWP, and Enforcement



Message

---

**From:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Sent:** 1/24/2017 1:19:50 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]  
**CC:** Cozad, David [Cozad.David@epa.gov]  
**Subject:** RE: Fort Devens

Good. Let me know if the edits look ok. Thanks.

Sent from my Windows Phone

---

**From:** Leff, Karin  
**Sent:** 1/24/2017 8:13 AM  
**To:** Starfield, Lawrence; Cozad, David  
**Subject:** RE: Fort Devens

## Ex. 5 - DPP and ACP

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Starfield, Lawrence  
**Sent:** Tuesday, January 24, 2017 8:06 AM  
**To:** Leff, Karin <Leff.Karin@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Subject:** FW: Fort Devens

What do you think?

## Ex. 5 - DPP and ACP

Sent from my Windows Phone

---

**From:** Breen, Barry  
**Sent:** 1/24/2017 7:41 AM  
**To:** Szaro, Deb  
**Cc:** Starfield, Lawrence; Bertrand, Charlotte; Hilosky, Nick  
**Subject:** Re: Fort Devens

Thanks, Deb. The write-up helps.

## Ex. 5 - DPP and ACP

## Ex. 5 - DPP and ACP

# Ex. 5 - DPP and ACP

Barry

On Jan 23, 2017, at 4:11 PM, Szaro, Deb <[Szaro.Deb@epa.gov](mailto:Szaro.Deb@epa.gov)> wrote:

Barry,

## Ex. 5 - Deliberative Process

Deb

## Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

<2017-01-26.Devens Stipulated Penalties-DRAFT.pdf>

Message

---

**From:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Sent:** 1/24/2017 1:06:13 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]; Cozad, David [Cozad.David@epa.gov]  
**Subject:** FW: Fort Devens

What do you think?

**Ex. 5 - DPP and ACP**

Sent from my Windows Phone

---

**From:** Breen, Barry  
**Sent:** 1/24/2017 7:41 AM  
**To:** Szaro, Deb  
**Cc:** Starfield, Lawrence; Bertrand, Charlotte; Hilosky, Nick  
**Subject:** Re: Fort Devens

Thanks, Deb. The write-up helps.

**Ex. 5 - DPP and ACP**

**Ex. 5 - DPP and ACP**

# **Ex. 5 - DPP and ACP**

Barry

On Jan 23, 2017, at 4:11 PM, Szaro, Deb <Szaro.Deb@epa.gov> wrote:

Barry,

## **Ex. 5 - Deliberative Process**

Deb

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - DPP and ACP**

<2017-01-26.Devens Stipulated Penalties-DRAFT.pdf>

Message

---

**From:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Sent:** 1/23/2017 10:11:21 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]; Cozad, David [Cozad.David@epa.gov]  
**Subject:** FW: Fort Devens  
**Attachments:** 2017-01-26.Devens Stipulated Penalties-DRAFT.pdf

Hopefully this resolves OLEM's concerns.

Larry

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---

**From:** Szaro, Deb  
**Sent:** Monday, January 23, 2017 4:11 PM  
**To:** Breen, Barry <Breen.Barry@epa.gov>  
**Cc:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>  
**Subject:** FW: Fort Devens

Barry,

# Ex. 5 - Deliberative Process

Deb

# Ex. 5 - Deliberative Process

# **Ex. 5 - DPP and ACP**

Message

---

**From:** Cozad, David [Cozad.David@epa.gov]  
**Sent:** 2/23/2017 5:01:03 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]  
**Subject:** RE: Priority: Help on one pager

That works. Has to be concise

---

**From:** Leff, Karin  
**Sent:** Thursday, February 23, 2017 12:00 PM  
**To:** Cozad, David <Cozad.David@epa.gov>  
**Subject:** RE: Priority: Help on one pager

Dave, after doing some digging, we are not going to easily fit into the box because we don't have a judicial docket. So I've discovered that we don't have an easy way to develop a list of ongoing matters. I am going to put together information on last year's scope and magnitude and talk generally about other ongoing matters. **Ex. 5 - DPP and ACP**

## **Ex. 5 - DPP and ACP**

**Ex. 5 - DPP and ACP** Please let me know if this approach works.

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Cozad, David  
**Sent:** Thursday, February 23, 2017 11:28 AM  
**To:** Leff, Karin <Leff.Karin@epa.gov>  
**Subject:** Priority: Help on one pager

Can you give me a couple bullets that give a sense of the scope/magnitude of the active federal facilities regulatory enforcement docket and also cleanup docket? Also ID any particularly high profile matters that you see on horizon in next 3 months, with a sentence describing it. Limit that list to 2-3 matters

Thanks

Dave Cozad  
Acting PDAA, OECA  
Office 202-564-4861  
Cell 816-835-1909

Message

---

**From:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Sent:** 1/20/2017 10:00:02 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]; Cozad, David [Cozad.David@epa.gov]  
**Subject:** FW: Please read Fwd: Fort Delsen  
**Attachments:** bwr eighth draft STIPS LETTER of january 20, 2016 .docx; ATT00001.htm

I tried to call Barry's cell, but got his voice mail. So I sent this second message.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Larry

Sent from my Windows Phone

---

**From:** Starfield, Lawrence  
**Sent:** 1/20/2017 4:57 PM  
**To:** Breen, Barry  
**Cc:** Szaro, Deb  
**Subject:** FW: Please read Fwd: Fort Delsen

Barry,

**Ex. 5 - Deliberative Process**

If you get this message, please call or email Deb or me. Thanks.

Larry

Sent from my Windows Phone

---

**From:** Starfield, Lawrence  
**Sent:** 1/20/2017 10:50 AM  
**To:** Szaro, Deb; Breen, Barry  
**Subject:** FW: Please read Fwd: Fort Delsen

PRIVILEGED AND CONFIDENTIAL

Deb and Barry,

## **Ex. 5 and Ex. 7(a) - DPP, ACP, and Enforcement**

**Ex. 5 - Deliberative Process**

Thanks.

Larry

Sent from my Windows Phone

---

**From:** Leff, Karin  
**Sent:** 1/20/2017 9:54 AM

To: Cozad, David; Starfield, Lawrence

Subject: Please read Fwd: Fort Delsen

## Ex. 5 and Ex. 7(a) - DPP, ACP, and Enforcement

## Ex. 5 and Ex. 7(a) - DPP, ACP, and Enforcement

Ex. 5 and Ex. 7(a) - DPP, ACP, and Enforcement

Thoughts?

Sent from my iPhone

Begin forwarded message:

**From:** "Walsh-Rogalski, William" <[Walshrogalski.William@epa.gov](mailto:Walshrogalski.William@epa.gov)>

**Date:** January 20, 2017 at 9:15:24 AM EST

**To:** "Olson, Bryan" <[Olson.Bryan@epa.gov](mailto:Olson.Bryan@epa.gov)>

**Cc:** "Leff, Karin" <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>, "Dalzell, Sally" <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>, "Loughlin, Anni" <[loughlin.anni@epa.gov](mailto:loughlin.anni@epa.gov)>, "Bertrand, Charlotte" <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>

**Subject:** Re: Fort Delsen

## Ex. 5 - Deliberative Process

Thanks

Bryan Olson

## **Ex. 5 - DPP, ACP, and AWP**

Message

---

**From:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Sent:** 1/20/2017 3:51:19 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]; Cozad, David [Cozad.David@epa.gov]  
**Subject:** FW: Please read Fwd: Fort Delsen  
**Attachments:** bwr eighth draft STIPS LETTER of january 20, 2016 .docx; ATT00001.htm

FYI.

Sent from my Windows Phone

---

**From:** Starfield, Lawrence  
**Sent:** 1/20/2017 10:50 AM  
**To:** Szaro, Deb; Breen, Barry  
**Subject:** FW: Please read Fwd: Fort Delsen

PRIVILEGED AND CONFIDENTIAL

Deb and Barry,

## Ex. 5 and Ex. 7(a) - DPP, ACP, and Enforcement

### Ex. 5 - DPP and ACP

Thanks.

Larry

Sent from my Windows Phone

---

**From:** Leff, Karin  
**Sent:** 1/20/2017 9:54 AM  
**To:** Cozad, David; Starfield, Lawrence  
**Subject:** Please read Fwd: Fort Delsen

## Ex. 5 and Ex. 7(a) - DPP, ACP, and Enforcement

## Ex. 5 and Ex. 7(a) - DPP, ACP, and Enforcement

Ex. 5 and Ex. 7(a) - DPP, ACP, and Enforcement Thoughts?

Sent from my iPhone

Begin forwarded message:

**From:** "Walsh-Rogalski, William" <Walshrogalski.William@epa.gov>

**Date:** January 20, 2017 at 9:15:24 AM EST

**To:** "Olson, Bryan" <Olson.Bryan@epa.gov>

**Cc:** "Leff, Karin" <Leff.Karin@epa.gov>, "Dalzell, Sally" <Dalzell.Sally@epa.gov>, "Loughlin, Anni" <loughlin.anni@epa.gov>, "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>

**Subject:** Re: Fort Delsen

## **Ex. 5 - Deliberative Process**

Thanks

Bryan Olson

**Ex. 5 and Ex. 7(a) - DPP, ACP, and Enforcement**

Message

---

**From:** Miles, Erin [Miles.Erin@epa.gov]  
**Sent:** 6/29/2017 5:41:24 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]  
**Subject:** RE: Potential blurb for Administrator's report

I agree that a heads up needs to be given somehow. We could also work through Patrick over the next week, and not include it in the Weekly. I can try to get Larry's opinion on this.

---

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 1:39 PM  
**To:** Miles, Erin <Miles.Erin@epa.gov>  
**Subject:** FW: Potential blurb for Administrator's report

See below for a rewrite. Now Enrique ( SF DD) wants to be briefed and region is briefing him today.

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Garvey, Melanie  
**Sent:** Thursday, June 29, 2017 1:04 PM  
**To:** Leff, Karin <Leff.Karin@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Azad, Ava <Azad.Ava@epa.gov>  
**Subject:** Fw: Potential blurb for Administrator's report

Hi Karin-

See Bethany's email message below and her correction to the blurb.

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Dreyfus, Bethany  
**Sent:** Thursday, June 29, 2017 12:54 PM  
**To:** Garvey, Melanie  
**Cc:** Azad, Ava; Dalzell, Sally; Chesnutt, John  
**Subject:** RE: Potential blurb for Administrator's report

Hi Melanie.

**Ex. 5 and 7(e) - DPP and ACP**

**Ex. 5 and Ex. 7(a) - DPP, ACP, and Enforcement**

---

Bethany Dreyfus  
EPA Region IX ORC-3  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972-3886  
(415) 947-3570 (fax)

---

**From:** Garvey, Melanie  
**Sent:** Thursday, June 29, 2017 8:51 AM  
**To:** Dreyfus, Bethany <[Dreyfus.Bethany@epa.gov](mailto:Dreyfus.Bethany@epa.gov)>  
**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** Fw: Potential blurb for Administrator's report

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Miles, Erin  
**Sent:** Thursday, June 29, 2017 11:48 AM  
**To:** Leff, Karin  
**Cc:** Azad, Ava; Garvey, Melanie; Dalzell, Sally  
**Subject:** RE: Potential blurb for Administrator's report

Thanks, **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

---

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 11:26 AM  
**To:** Miles, Erin <[Miles.Erin@epa.gov](mailto:Miles.Erin@epa.gov)>  
**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** Potential blurb for Administrator's report

I contacted the region to see if they are submitting something. I haven't heard back. Here's what I suggest.

**Ex. 5 and 7(e) - DPP and ACP**

# Ex. 5 and 7(e) - DPP and ACP

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Message

---

**From:** Shiffman, Cari [Shiffman.Cari@epa.gov]  
**Sent:** 7/17/2017 7:15:35 PM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; OECA Office Directors and Deputy Directors [OECA\_Office\_Directors\_and\_Deputy\_Directors@epa.gov]  
**CC:** Miles, Erin [Miles.Erin@epa.gov]  
**Subject:** FW: Weekly Report 07 14 2017  
**Attachments:** Weekly Report7132017.docx

Here are some highlights from the Weekly Report compilation. For more details, please see the attachment.

# Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Thanks,

Cari Shiffman, Special Assistant  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
Office: (202) 564-2898 | Mobile: (202) 823-3277

---

**From:** Burton, Tamika  
**Sent:** Friday, July 14, 2017 3:39 PM  
**Subject:** Weekly Report 07 14 2017

Good Afternoon,  
Please see the attached Weekly report for this week July 14, 2017.

Best regards,

*Tamika Burton  
Staff Assistant  
Office of the Deputy Administrator, in the Office of the Administrator  
MC 1104A Room 3412 WJC North  
(202) 564-4771 (d)  
(202) 507-3630 (c)  
burton.tamika@epa.gov*



Message

---

**From:** Cozad, David [Cozad.David@epa.gov]  
**Sent:** 2/13/2017 11:24:07 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]  
**Subject:** Re: Update on Cutler

## Ex. 5 - Deliberative Process; 7(e)

Sent from my iPhone

On Feb 13, 2017, at 6:13 PM, Leff, Karin <Leff.Karin@epa.gov> wrote:

Had a few calls with Susan Studlien today and I want to let you know where we stand regarding the Cutler settlement.

**Ex. 5 and Ex. 7(e) - DPP, ACP, AWP**

**Ex. 5 and Ex. 7(e) - DPP, ACP, AWP**

Ex. 5 and Ex. 7(e) - DPP, ACP, AWP Please let me know if you have any questions. Karin

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)

202.236.3669 (c)

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Message

---

**From:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Sent:** 7/14/2017 4:12:45 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]  
**Subject:** RE: **Ex. 5 and Ex. 7(a) - DPP, ACP, and Enforcement**

Thanks for the heads up.

Larry

---

**From:** Leff, Karin  
**Sent:** Friday, July 14, 2017 8:30 AM  
**To:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>  
**Subject:** **Ex. 5 and Ex. 7(a) - DPP, ACP, and Enforcement**

Last month, Region 9 conducted a SDWA public water system (PWS) inspection at Camp Pendleton (CP), a Marine Corps base in southern CA.

**Ex. 5 and Ex. 7(a) - DPP, ACP, and Enforcement**

**Ex. 5 and Ex. 7(a) - DPP, ACP, and Enforcement**

**Ex. 5 and Ex. 7(a,e) - DPP, ACP, and Enforcement**

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Message

---

**From:** Cozad, David [Cozad.David@epa.gov]  
**Sent:** 6/16/2017 11:32:20 PM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]  
**Subject:** Fwd: Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

Hi

## Ex. 5 - Deliberative Process

I told Region they should proceed

Dave Cozad  
Acting Deputy AA, OECA

Sent from my iPhone

Begin forwarded message:

**From:** "Spiegelman, Nina" <Spiegelman.Nina@epa.gov>  
**Date:** June 16, 2017 at 2:02:57 PM EDT  
**To:** "Cozad, David" <Cozad.David@epa.gov>  
**Subject:** RE: Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

Hi Dave- I left a voicemail (probably too long-sorry) on your work voicemail I was transferred to by the OECA front office. I called the cell number below and the answering message was for a Dave? Metcalf. I also tried Ex. 6 - Personal Privacy ( found on the skype card) and left a brief message. I appear to be in a bad phone vortex today but I will keep trying.

Thanks,  
Nina  
415-972-3899

---

**From:** Cozad, David  
**Sent:** Friday, June 16, 2017 10:48 AM  
**To:** Spiegelman, Nina <Spiegelman.Nina@epa.gov>  
**Subject:** Re: Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

Hi

Ex. 6 - Personal Privacy

Thanks

Dave Cozad  
Acting Deputy AA, OECA

Sent from my iPhone

On Jun 16, 2017, at 1:31 PM, Spiegelman, Nina <Spiegelman.Nina@epa.gov> wrote:

Hi Sylvia and Dave- I am happy to fill Dave in. What is a good number for you Dave? The 913 number in the locator does not work. Or please call me at

Ex. 6 - Personal Privacy

Thanks,  
Nina

---

**From:** Quast, Sylvia

**Sent:** Friday, June 16, 2017 8:59 AM

**To:** Cozad, David <Cozad.David@epa.gov>

**Cc:** Spiegelman, Nina <Spiegelman.Nina@epa.gov>

**Subject:** Re: Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

Hi Dave - I'm out today, but I'm asking Nina Spiegelman, who's acting for me and is our Air Branch chief, to get back to you.

Sent from my iPhone

On Jun 16, 2017, at 9:51 AM, Cozad, David <Cozad.David@epa.gov> wrote:

Can you give me a quick call about this?

Ex. 5 - DPP and ACP

**Ex. 5 - DPP and ACP**

---

**From:** Leff, Karin

**Sent:** Thursday, June 15, 2017 12:53 PM

**To:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>

**Subject:** Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

**Regarding Susan Bodine's testimony** – The enforcement discretion that Susan referred to is informal. To our knowledge, there's not been a no action assurance or anything more formal signed by EPA. On a related note, there is an existing 1997 policy- Policy Towards Landowners and Transferees of Federal Facilities to assist with post 1986 transfers of US land. It doesn't apply to the Alaskan Native Village as the land transfer occurred pre-1986.

Ex. 5 - Deliberative Process

**Ex. 5 - Deliberative Process**

**Ex. 5 - DPP and ACP**

# **Ex. 5 - DPP and ACP**

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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**From:** Leff, Karin [Leff.Karin@epa.gov]  
**Sent:** 3/22/2017 10:49:10 PM  
**To:** Miles, Erin [Miles.Erin@epa.gov]  
**CC:** Lucas, Catherine [Lucas.Catherine@epa.gov]  
**Subject:** Re: Weekly Reports to the Administrator - Reminder and Info

Under last week highlights

## Ex. 5 - Deliberative Process

On March 21-23, the Federal Facilities Enforcement Office met with the Regional and Headquarters Federal Facility Leadership Council, and on Wednesday afternoon were joined by representatives from DoD and the services.

Sent from my iPhone

On Mar 21, 2017, at 8:11 AM, Miles, Erin <[Miles.Erin@epa.gov](mailto:Miles.Erin@epa.gov)> wrote:

Hi Everyone,

Just a reminder to please send your weekly items to me by COB tomorrow. In your write ups, please be sure to include specific dates and location, if relevant (e.g., state or Region).

Also, we received more guidance this week from the AO. There are now 4 categories, but I don't think the change should impact your submissions too much. Please take a look though and craft your submissions accordingly. Note that the "Last Week Highlights" are items that have occurred since our last submitted report, so we should aim for Thurs/Friday of last week – Thursday of the current week time period.

- Weekly reports generally should be no more than 1 page in length, be included as an email attachment with a title indicating your office name (e.g., "OGC Weekly Report"), and include the following section headings:
  - *Hot Issues* (update on any hot issues that may have been reported or ongoing high profile matters)
  - *Upcoming Public Events* (look out 2 weeks), including opportunities for Administrator involvement;
  - *Upcoming Major Decisions* (look out 2 weeks)
  - *Last Week Highlights* (include "GOOD NEWS" stories)
- If one of the items in your report requires a decision, please indicate that explicitly.

Thank you!

Erin

Message

---

**From:** Leff, Karin [Leff.Karin@epa.gov]  
**Sent:** 6/18/2017 3:07:15 AM  
**To:** Cozad, David [Cozad.David@epa.gov]  
**CC:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Subject:** Re: Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

Thanks for following up.

Sent from my iPhone

On Jun 16, 2017, at 7:32 PM, Cozad, David <Cozad.David@epa.gov> wrote:

Hi

## Ex. 5 - Deliberative Process

I told Region they should proceed

Dave Cozad  
Acting Deputy AA, OECA

Sent from my iPhone

Begin forwarded message:

**From:** "Spiegelman, Nina" <Spiegelman.Nina@epa.gov>  
**Date:** June 16, 2017 at 2:02:57 PM EDT  
**To:** "Cozad, David" <Cozad.David@epa.gov>  
**Subject:** RE: Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

Hi Dave- I left a voicemail (probably too long-sorry) on your work voicemail I was transferred to by the OECA front office. I called the cell number below and the answering message was for a Dave? Metcalf. I also tried Ex. 6 - Personal Privacy found on the skype card) and left a brief message. I appear to be in a bad phone vortex today but I will keep trying.

Thanks,

Nina

Ex. 6 - Personal Privacy

---

**From:** Cozad, David  
**Sent:** Friday, June 16, 2017 10:48 AM  
**To:** Spiegelman, Nina <Spiegelman.Nina@epa.gov>  
**Subject:** Re: Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

Hi

Call Ex. 6 - Personal Privacy

Thanks

Dave Cozad  
Acting Deputy AA, OECA

Sent from my iPhone

On Jun 16, 2017, at 1:31 PM, Spiegelman, Nina <Spiegelman.Nina@epa.gov> wrote:

Hi Sylvia and Dave- I am happy to fill Dave in. What is a good number for you Dave? The 913 number in the locator does not work. Or please call me at Ex. 6 - Personal Privacy

Thanks,  
Nina

---

**From:** Quast, Sylvia  
**Sent:** Friday, June 16, 2017 8:59 AM  
**To:** Cozad, David <Cozad.David@epa.gov>  
**Cc:** Spiegelman, Nina <Spiegelman.Nina@epa.gov>  
**Subject:** Re: Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

Hi Dave - I'm out today, but I'm asking Nina Spiegelman, who's acting for me and is our Air Branch chief, to get back to you.

Sent from my iPhone

On Jun 16, 2017, at 9:51 AM, Cozad, David <Cozad.David@epa.gov> wrote:

Can you give me a quick call about this? One question (see the text in red): Ex. 5 - DPP, ACP, and AWP

## Ex. 5 - DPP, ACP, and AWP

---

**From:** Leff, Karin  
**Sent:** Thursday, June 15, 2017 12:53 PM  
**To:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Subject:** Following up on Bodine testimony and heads up on settlement Region 9 wants to sign in next week

**Regarding Susan Bodine's testimony** – The enforcement discretion that Susan referred to is informal. To our knowledge, there's not been a no action assurance or anything more formal signed by EPA. On a related note, there is an existing 1997 policy- Policy Towards Landowners and Transferees of Federal Facilities to assist with post

1986 transfers of US land. It doesn't apply to the Alaskan Native Village as the land transfer occurred pre-1986.

### **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - DPP and ACP**

## **Ex. 5 - DPP and ACP**

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Message

---

**From:** Leff, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]  
**Sent:** 2/17/2017 2:21:41 PM  
**To:** Cozad, David [Cozad.David@epa.gov]  
**Subject:** RE: Cutler Naval Air Station

ok

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Cozad, David  
**Sent:** Friday, February 17, 2017 9:16 AM  
**To:** Leff, Karin <Leff.Karin@epa.gov>  
**Subject:** RE: Cutler Naval Air Station

Can we make it 10? I have to talk with Justin at 9:30. Sorry -

---

**From:** Leff, Karin  
**Sent:** Friday, February 17, 2017 8:28 AM  
**To:** Cozad, David <Cozad.David@epa.gov>  
**Subject:** Re: Cutler Naval Air Station

I'll come by then.

Sent from my iPhone

On Feb 16, 2017, at 7:28 PM, Cozad, David <Cozad.David@epa.gov> wrote:

Hi Karin,

Meet at 9:30? See below for background. Hope your trip to Oak Ridge was fruitful.

Dave

---

**From:** Starfield, Lawrence  
**Sent:** Thursday, February 16, 2017 4:15 PM  
**To:** Cozad, David <Cozad.David@epa.gov>  
**Subject:** FW: Cutler Naval Air Station

Dave,

Susan has talked to Karin about this, and hopefully this will work out. Just in case, here's her summary of the issue. Please talk to FFEO and see if we can all come together on this.

Thanks.

Larry

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---

**From:** Studlien, Susan

**Sent:** Thursday, February 16, 2017 10:49 AM

**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>

**Subject:** Cutler Naval Air Station

Larry,

## **Ex. 5 - DPP, ACP, and AWP**

# **Ex. 5 - DPP, ACP, and AWP**

Susan Studlien, Director  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region i  
5 Post Office Square  
Boston, Massachusetts 02109  
Phone: 617-918-1701  
Mobile: 857-225-2121

Message

---

**From:** Leff, Karin [Leff.Karin@epa.gov]  
**Sent:** 2/17/2017 1:28:03 PM  
**To:** Cozad, David [Cozad.David@epa.gov]  
**Subject:** Re: Cutler Naval Air Station

I'll come by then.

Sent from my iPhone

On Feb 16, 2017, at 7:28 PM, Cozad, David <Cozad.David@epa.gov> wrote:

Hi Karin,

Meet at 9:30? See below for background. Hope your trip to Oak Ridge was fruitful.

Dave

---

**From:** Starfield, Lawrence  
**Sent:** Thursday, February 16, 2017 4:15 PM  
**To:** Cozad, David <Cozad.David@epa.gov>  
**Subject:** FW: Cutler Naval Air Station

Dave,

Susan has talked to Karin about this, and hopefully this will work out. Just in case, here's her summary of the issue. Please talk to FFEO and see if we can all come together on this.

Thanks.

Larry

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---

**From:** Studlien, Susan  
**Sent:** Thursday, February 16, 2017 10:49 AM  
**To:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>  
**Subject:** Cutler Naval Air Station

Larry,

## Ex. 5 - DPP, ACP, and AWP

# **Ex. 5 - DPP, ACP, and AWP**

Susan Studlien, Director  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region i  
5 Post Office Square  
Boston, Massachusetts 02109  
Phone: 617-918-1701  
Mobile: 857-225-2121

Message

---

**From:** Leff, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]  
**Sent:** 2/23/2017 5:00:00 PM  
**To:** Cozad, David [Cozad.David@epa.gov]  
**Subject:** RE: Priority: Help on one pager

Dave, after doing some digging, we are not going to easily fit into the box because we don't have a judicial docket. So I've discovered that we don't have an easy way to develop a list of ongoing matters. I am going to put together information on last year's scope and magnitude and talk generally about other ongoing matters.

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please let me know if this approach works.

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Cozad, David  
**Sent:** Thursday, February 23, 2017 11:28 AM  
**To:** Leff, Karin <Leff.Karin@epa.gov>  
**Subject:** Priority: Help on one pager

Can you give me a couple bullets that give a sense of the scope/magnitude of the active federal facilities regulatory enforcement docket and also cleanup docket? Also ID any particularly high profile matters that you see on horizon in next 3 months, with a sentence describing it. Limit that list to 2-3 matters

Thanks

Dave Cozad  
Acting PDAA, OECA  
Office 202-564-4861  
Cell 816-835-1909

Message

---

**From:** Leff, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]  
**Sent:** 1/30/2017 10:28:14 PM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]  
**Subject:** RE: Heads up Reg 1 Cutler settlement to be raised by Susan Studlien

ok

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Starfield, Lawrence  
**Sent:** Monday, January 30, 2017 5:24 PM  
**To:** Leff, Karin <Leff.Karin@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Subject:** RE: Heads up Reg 1 Cutler settlement to be raised by Susan Studlien

## Ex. 5 - Deliberative Process

Thanks.

Larry

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---

**From:** Leff, Karin  
**Sent:** Monday, January 30, 2017 5:11 PM  
**To:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Subject:** Heads up Reg 1 Cutler settlement to be raised by Susan Studlien

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Thank you.

Message

---

**From:** Leff, Karin [Leff.Karin@epa.gov]  
**Sent:** 2/14/2017 12:41:45 PM  
**To:** Cozad, David [Cozad.David@epa.gov]  
**Subject:** Re: Update on Cutler

**Ex. 5 - DPP, ACP, and AWP and Ex. 7(e)**

Sent from my iPhone

On Feb 13, 2017, at 6:24 PM, Cozad, David <Cozad.David@epa.gov> wrote:

## **Ex. 5 - Deliberative Process**

Sent from my iPhone

On Feb 13, 2017, at 6:13 PM, Leff, Karin <Leff.Karin@epa.gov> wrote:

**Ex. 5 - DPP, ACP, and AWP and Ex. 7(e)**

## **Ex. 5 - DPP, ACP, and AWP and Ex. 7(e)**

Ex. 5 - DPP, ACP, and AWP and Ex. 7(e)

Please let me know

if you have any questions. Karin

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Message

---

**From:** Leff, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]  
**Sent:** 1/24/2017 8:17:13 PM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]  
**Subject:** RE: Hot Issue with the Army at Fort Devens

That explains the call this morning.

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Starfield, Lawrence  
**Sent:** Tuesday, January 24, 2017 3:05 PM  
**To:** Leff, Karin <Leff.Karin@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Subject:** FW: Hot Issue with the Army at Fort Devens

Sorry -- just seeing this now. FYI.

Larry

---

**From:** Szaro, Deb  
**Sent:** Tuesday, January 24, 2017 8:41 AM  
**To:** McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Kenyon, Michael <Kenyon.Michael@epa.gov>; Hull, George <Hull.George@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>  
**Cc:** Hautamaki, Jared <Hautamaki.Jared@epa.gov>; Naples, Eileen <Naples.Eileen@epa.gov>; Studlien, Susan <Studlien.Susan@epa.gov>; Olson, Bryan <Olson.Bryan@epa.gov>; Moraff, Kenneth <Moraff.Ken@epa.gov>; Gutro, Doug <Gutro.Doug@epa.gov>  
**Subject:** Hot Issue with the Army at Fort Devens

## Ex. 5 and Ex. 7(e) - DPP, ACP and Enforcement

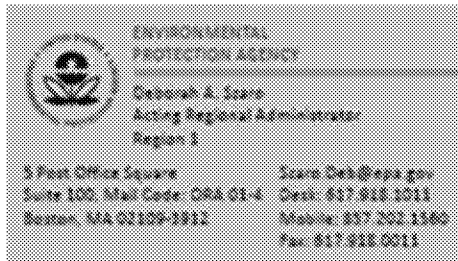
## Ex. 5 and Ex. 7(e) - DPP, ACP and Enforcement

If you have any

concerns, please let me know ASAP.

### Background

## Ex. 5 and Ex. 7(e) - DPP, ACP and Enforcement



Message

---

**From:** Leff, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]  
**Sent:** 5/24/2017 4:15:46 PM  
**To:** Freyre, Dominique [freyre.dominique@epa.gov]  
**Subject:** RE: Monthly Case Chart Update -- REVISED LINK to documents

Thanks. Yes, I need to open them and send them on to you. Crazy system. Sorry. No worries. The Corpus Christi case was there.

**Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Freyre, Dominique  
**Sent:** Wednesday, May 24, 2017 9:39 AM  
**To:** Leff, Karin <Leff.Karin@epa.gov>  
**Subject:** RE: Monthly Case Chart Update -- REVISED LINK to documents

Hi Karin,

I assume your request was for us to look at the charts for review of our regional cases.

If so, I tried accessing the charts using the links in the below email, but was denied access. Apparently, we need permission to access the charts.

Thanks!

---

**From:** Leff, Karin  
**Sent:** Tuesday, May 23, 2017 3:04 PM  
**To:** OECA-FFEO <OECAFFEO@epa.gov>  
**Subject:** Fwd: Monthly Case Chart Update -- REVISED LINK to documents

Can

Sent from my iPhone

Begin forwarded message:

**From:** "LaBoda, Sarah" <LaBoda.Sarah@epa.gov>

**Date:** May 23, 2017 at 10:25:56 AM EDT

**To:** "Shinkman, Susan" <Shinkman.Susan@epa.gov>, "Leff, Karin" <Leff.Karin@epa.gov>, "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Mackey, Cyndy" <Mackey.Cyndy@epa.gov>, "Worthman, Gary" <Worthman.Gary@epa.gov>, "Gardner, Monica" <Gardner.Monica@epa.gov>, "Muller, Marie" <MULLER.MARIE@EPA.GOV>

**Cc:** "Shiffman, Cari" <Shiffman.Cari@epa.gov>, "Gargas, Toni" <Gargas.Toni@epa.gov>

**Subject:** FW: Monthly Case Chart Update -- REVISED LINK to documents

Good Morning – We have been informed that there has been some “technical difficulties” with accessing charts this morning. We believe that we have identified the issue. Please use the following links to access the charts:

**Non-CERCLA chart can be accessed here**

**CERCLA chart can be accessed here**

These charts have also been revised to include Region 3’s update.

Thanks,  
Sarah

Message

**From:** Leff, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]  
**Sent:** 5/23/2017 5:23:17 PM  
**To:** Johnson, Barnes [Johnson.Barnes@epa.gov]  
**Subject:** FW: FGC Award Recommendation  
**Attachments:** JBLM ECHO.xlsx

Barnes, **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Thanks for checking and let me know if you need anything else.

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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**From:** Elson, Lance  
**Sent:** Tuesday, May 23, 2017 10:14 AM  
**To:** Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** RE: FGC Award Recommendation

Karin, **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

I can run an ICIS report as well.

Thanks!

**From:** Leff, Karin  
**Sent:** Tuesday, May 23, 2017 9:36 AM  
**To:** Elson, Lance <Elson.Lance@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** FW: FGC Award Recommendation

Please confirm that there are/not significant violations at **Ex. 5 - Deliberative Process**. See below. Please let me know so I can get back to Barnes. Thanks.

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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---

**From:** Johnson, Barnes  
**Sent:** Tuesday, May 23, 2017 9:12 AM  
**To:** Leff, Karin <Leff.Karin@epa.gov>  
**Cc:** ORCR IO <ORCR\_IO@epa.gov>  
**Subject:** RE: FGC Award Recommendation

Thanks Karin, much appreciated and very helpful. I was interested in your views regarding Ex. 5 - Deliberative Process I wanted to make sure we didn't wrongly pass them over due to a data glitch for example. I think we have adequately screened the others.

## Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |  
[johnson.barnes@epa.gov](mailto:johnson.barnes@epa.gov) | [@EPALand](#)

---

**From:** Leff, Karin  
**Sent:** Tuesday, May 23, 2017 8:33 AM  
**To:** Johnson, Barnes <Johnson.Barnes@epa.gov>  
**Cc:** ORCR IO <ORCR\_IO@epa.gov>  
**Subject:** RE: FGC Award Recommendation

Hi Barnes, I don't seem to have a voicemail from you. But from the email string Ex. 5 - Deliberative Process

### Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Do you want our sense from an enforcement perspective of the three awardees or were you just asking about Ex. 5 - Deliberative Process I'm so glad to see that you guys do an enforcement screen to help determine whether an entity is award worthy. That's something we think is quite important. Let me know. Thanks

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Johnson, Barnes  
**Sent:** Tuesday, May 23, 2017 7:51 AM  
**To:** Leff, Karin <Leff.Karin@epa.gov>  
**Cc:** ORCR IO <ORCR\_IO@epa.gov>  
**Subject:** FW: FGC Award Recommendation

Dear Karin,

Here is the email string per my voicemail.

Thanks,

**Barnes Johnson**

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |  
[johnson.barnes@epa.gov](mailto:johnson.barnes@epa.gov) | [@EPAland](#)

---

**From:** Bertrand, Charlotte  
**Sent:** Monday, May 22, 2017 6:21 PM  
**To:** Johnson, Barnes <Johnson.Barnes@epa.gov>  
**Cc:** Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>  
**Subject:** RE: FGC Award Recommendation

Hi – no, I do not have any insight into that. Recommend contacting Karin Leff – she is the acting Director of the Federal Facility Enforcement Office. CC'ing Greg to see if he has any insights.

---

**From:** Johnson, Barnes  
**Sent:** Monday, May 22, 2017 6:10 PM  
**To:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>  
**Cc:** Salyer, Kathleen <Salyer.Kathleen@epa.gov>  
**Subject:** FW: FGC Award Recommendation

Hello Charlotte!

Do you happen to have any insight regarding Ex. 5 - Deliberative Process in light of the summary below? Do you happen to know who we might talk to in FFEO?

Thanks,

**Barnes Johnson**

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |  
[johnson.barnes@epa.gov](mailto:johnson.barnes@epa.gov) | [@EPAland](#)

---

**From:** Vance, Ronald  
**Sent:** Thursday, May 18, 2017 3:18 PM  
**To:** ORCR IO <[ORCR\\_IO@epa.gov](mailto:ORCR_IO@epa.gov)>  
**Subject:** FGC Award Recommendation

We did not get a chance to discuss the Federal Green Challenge recommendations for awards in the RCSD general today, so I'm sending along the attachment which outlines the results of the FGC awards process. We pulled out the top "scores" in each of the six FGC focus areas and then conducted compliance screens on those participants.

The first three winners in the attached document were the highest scorers in that category and had no compliance issues.

## Ex. 5 - Deliberative Process

We would like to get your feedback on these awards before we finalize the results and contact the winners.

Thanks,  
Ron

Message

**From:** Leff, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]  
**Sent:** 1/24/2017 1:13:39 PM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]  
**Subject:** RE: Fort Devens

## Ex. 5 and Ex. 7(e) - DPP; Enforcement

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Starfield, Lawrence  
**Sent:** Tuesday, January 24, 2017 8:06 AM  
**To:** Leff, Karin <Leff.Karin@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Subject:** FW: Fort Devens

What do you think? **Ex. 5 and Ex. 7(e) - DPP; Enforcement**

Sent from my Windows Phone

---

**From:** Breen, Barry  
**Sent:** 1/24/2017 7:41 AM  
**To:** Szaro, Deb  
**Cc:** Starfield, Lawrence; Bertrand, Charlotte; Hilosky, Nick  
**Subject:** Re: Fort Devens

Thanks, Deb. The write-up helps. **Ex. 5 and Ex. 7(e) - DPP; Enforcement**  
**Ex. 5 and Ex. 7(e) - DPP; Enforcement**

## Ex. 5 and Ex. 7(e) - DPP; Enforcement

Barry

On Jan 23, 2017, at 4:11 PM, Szaro, Deb <Szaro.Deb@epa.gov> wrote:

Barry,

## **Ex. 5 and Ex. 7(e) - DPP; Enforcement**

Deb

## **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

<2017-01-26.Devens Stipulated Penalties-DRAFT.pdf>

Message

---

**From:** Leff, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]  
**Sent:** 2/2/2017 6:10:03 PM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]  
**Subject:** RE: Good result at Fort Devens

Will do.

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

This message is CONFIDENTIAL and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender.  
Thank you.

---

**From:** Starfield, Lawrence  
**Sent:** Thursday, February 02, 2017 1:04 PM  
**To:** Leff, Karin <Leff.Karin@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Subject:** RE: Good result at Fort Devens

Excellent! Thanks for getting this done.

Please confirm that the Region will update Mike Flynn.

Larry

---

**From:** Leff, Karin  
**Sent:** Thursday, February 02, 2017 12:45 PM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>  
**Subject:** Good result at Fort Devens

**Ex. 7(e)**

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)

202.236.3669 (c)

This message is CONFIDENTIAL and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

**From:** Leff, Karin [Leff.Karin@epa.gov]  
**Sent:** 1/20/2017 10:15:32 PM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**CC:** Cozad, David [Cozad.David@epa.gov]  
**Subject:** Re: Please read Fwd: Fort Delsen

Thanks. Have a good weekend.

Sent from my iPhone

On Jan 20, 2017, at 5:14 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

## Ex. 5 - Deliberative Process

Larry

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---

**From:** Leff, Karin  
**Sent:** Friday, January 20, 2017 5:11 PM  
**To:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>  
**Cc:** Cozad, David <Cozad.David@epa.gov>  
**Subject:** Re: Please read Fwd: Fort Delsen

## Ex. 5 - DPP and ACP

Sent from my iPhone

On Jan 20, 2017, at 5:00 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

I tried to call Barry's cell, but got his voice mail. So I sent this second message.

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Larry

Sent from my Windows Phone

---

**From:** Starfield, Lawrence  
**Sent:** 1/20/2017 4:57 PM  
**To:** Breen, Barry  
**Cc:** Szaro, Deb  
**Subject:** FW: Please read Fwd: Fort Delsen

Barry,

## Ex. 5 - DPP and ACP

Ex. 5 - DPP and ACP

If you get this message, please call or email Deb or me. Thanks.

Larry

Sent from my Windows Phone

---

**From:** Starfield, Lawrence

**Sent:** 1/20/2017 10:50 AM

**To:** Szaro, Deb; Breen, Barry

**Subject:** FW: Please read Fwd: Fort Delsen

PRIVILEGED AND CONFIDENTIAL

Deb and Barry,

# Ex. 5 - DPP and ACP

Thanks.

Larry

Sent from my Windows Phone

---

**From:** Leff, Karin

**Sent:** 1/20/2017 9:54 AM

**To:** Cozad, David; Starfield, Lawrence

**Subject:** Please read Fwd: Fort Delsen

# Ex. 5 - DPP and ACP

Sent from my iPhone

Begin forwarded message:

**From:** "Walsh-Rogalski, William"

<[Walshrogalski.William@epa.gov](mailto:Walshrogalski.William@epa.gov)>

**Date:** January 20, 2017 at 9:15:24 AM EST

**To:** "Olson, Bryan" <[Olson.Bryan@epa.gov](mailto:Olson.Bryan@epa.gov)>  
**Cc:** "Leff, Karin" <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>, "Dalzell, Sally" <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>, "Loughlin, Anni" <[loughlin.anni@epa.gov](mailto:loughlin.anni@epa.gov)>, "Bertrand, Charlotte" <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>  
**Subject: Re: Fort Delsen**

## **Ex. 5 - DPP, ACP, and AWP**

Thanks

Bryan Olson

## **Ex. 5 - DPP, ACP, and AWP**

## **Ex. 5 - DPP, ACP, and AWP**

<bwr eighth draft STIPS LETTER of january 20, 2016 .docx>

**From:** Leff, Karin [Leff.Karin@epa.gov]  
**Sent:** 1/20/2017 10:10:46 PM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**CC:** Cozad, David [Cozad.David@epa.gov]  
**Subject:** Re: Please read Fwd: Fort Delsen

## Ex. 5 - Deliberative Process

Sent from my iPhone

On Jan 20, 2017, at 5:00 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

I tried to call Barry's cell, but got his voice mail. So I sent this second message.

Ex. 5 - Deliberative Process

### Ex. 5 - Deliberative Process

Larry

Sent from my Windows Phone

---

**From:** Starfield, Lawrence  
**Sent:** 1/20/2017 4:57 PM  
**To:** Breen, Barry  
**Cc:** Szaro, Deb  
**Subject:** FW: Please read Fwd: Fort Delsen

Barry,

### Ex. 5 - DPP and ACP

If you get this message, please call or email Deb or me. Thanks.

Larry

Sent from my Windows Phone

---

**From:** Starfield, Lawrence  
**Sent:** 1/20/2017 10:50 AM  
**To:** Szaro, Deb; Breen, Barry  
**Subject:** FW: Please read Fwd: Fort Delsen

PRIVILEGED AND CONFIDENTIAL

Deb and Barry,

## Ex. 5 - DPP and ACP

Thanks.

Larry

Sent from my Windows Phone

---

**From:** Leff, Karin  
**Sent:** 1/20/2017 9:54 AM  
**To:** Cozad, David; Starfield, Lawrence  
**Subject:** Please read Fwd: Fort Delsen

# Ex. 5 - DPP and ACP

Sent from my iPhone

Begin forwarded message:

**From:** "Walsh-Rogalski, William" <[Walshrogalski.William@epa.gov](mailto:Walshrogalski.William@epa.gov)>  
**Date:** January 20, 2017 at 9:15:24 AM EST  
**To:** "Olson, Bryan" <[Olson.Bryan@epa.gov](mailto:Olson.Bryan@epa.gov)>  
**Cc:** "Leff, Karin" <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>, "Dalzell, Sally" <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>, "Loughlin, Anni" <[loughlin.anni@epa.gov](mailto:loughlin.anni@epa.gov)>, "Bertrand, Charlotte" <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>  
**Subject:** Re: Fort Delsen

# Ex. 5 - DPP, ACP, and AWP

# **Ex. 5 - DPP, ACP, and AWP**

Thanks

Bryan Olson

# **Ex. 5 - DPP, ACP, and AWP**

<bwr eighth draft STIPS LETTER of january 20, 2016 .docx>

Message

---

**From:** Leff, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]  
**Sent:** 3/30/2017 6:28:08 PM  
**To:** Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]  
**Subject:** FW: Federal Role in Enforcement Actions in States - first partial draft administrator briefing

FYI

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Leff, Karin  
**Sent:** Thursday, March 30, 2017 2:27 PM  
**To:** Hindin, David <Hindin.David@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Cc:** Dombrowski, John <Dombrowski.John@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>  
**Subject:** RE: Federal Role in Enforcement Actions in States - first partial draft administrator briefing

Here are a few example we could add to slide 8 on “unique ability” activities

**National Settlement with the Department of the Interior (DOI)** involving DOI’s widespread multimedia noncompliance at schools and water systems in Indian Country. The settlement involved 7 statutes and affected 8 of the 10 regions, more than 60 tribes, and approximately 164 schools in Indian Country and the approximately 48 water systems that serve those schools and communities.

**Ft. Gordon RICE case:** The Army failed to comply with the RICE MACT emission limits and recordkeeping requirements.

**Ex. 7(e)**

**Ex. 7(e)**

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Hindin, David  
**Sent:** Sunday, March 26, 2017 10:06 AM  
**To:** Cozad, David <Cozad.David@epa.gov>  
**Cc:** Dombrowski, John <Dombrowski.John@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>  
**Subject:** RE: Federal Role in Enforcement Actions in States - first partial draft administrator briefing

Dave:

Here is a partial draft of an administrator briefing. Would be good to talk about this and get some agreement on what additional charts and content we want. While we have lots of data to create more charts to better illustrate and make real the 6 bins, Dan Palmer needs time to work with David Sprague and others to generate the charts.

Perhaps we can find time late on Monday. I set out some of the questions on slide 2 we need to address regarding scope for our discussion. I also created a new slide that we could use to layout OECA's Compliance Assurance Program, before diving deep into civil enforcement. If that slide works (#3) we could use it for other briefings, but just change the text that is highlighted.

*David A. Hindin*  
Director, Office of Compliance  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency, Washington, DC 20460  
Phone 202-564-1300

---

**From:** Miles, Erin  
**Sent:** Friday, March 24, 2017 2:18 PM  
**To:** Hindin, David <Hindin.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>  
**Cc:** Dombrowski, John <Dombrowski.John@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>  
**Subject:** Federal Role in Enforcement Actions in States

Our request to brief the Administrator on this topic has been approved, so we could have the meeting as early as next week.

Larry asked whether anyone was working on slides. I couldn't remember if we had talked about that.

Message

---

**From:** Leff, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]  
**Sent:** 3/30/2017 6:27:25 PM  
**To:** Hindin, David [Hindin.David@epa.gov]; Cozad, David [Cozad.David@epa.gov]  
**CC:** Dombrowski, John [Dombrowski.John@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Barnet, Henry [Barnet.Henry@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Palmer, Daniel [Palmer.Daniel@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]  
**Subject:** RE: Federal Role in Enforcement Actions in States - first partial draft administrator briefing

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Ex. 7(e)

**Ex. 7(e)**

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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**To:** Cozad, David <Cozad.David@epa.gov>  
**Cc:** Dombrowski, John <Dombrowski.John@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>  
**Subject:** RE: Federal Role in Enforcement Actions in States - first partial draft administrator briefing

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*David A. Hindin*

Director, Office of Compliance

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency, Washington, DC 20460

Phone 202-564-1300

---

**From:** Miles, Erin

**Sent:** Friday, March 24, 2017 2:18 PM

**To:** Hindin, David <[Hindin.David@epa.gov](mailto:Hindin.David@epa.gov)>; Shinkman, Susan <[Shinkman.Susan@epa.gov](mailto:Shinkman.Susan@epa.gov)>

**Cc:** Dombrowski, John <[Dombrowski.John@epa.gov](mailto:Dombrowski.John@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>; Barnet, Henry <[Barnet.Henry@epa.gov](mailto:Barnet.Henry@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Mackey, Cyndy <[Mackey.Cyndy@epa.gov](mailto:Mackey.Cyndy@epa.gov)>

**Subject:** Federal Role in Enforcement Actions in States

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Message

**From:** Leff, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]  
**Sent:** 6/29/2017 5:38:36 PM  
**To:** Miles, Erin [Miles.Erin@epa.gov]  
**Subject:** FW: Potential blurb for Administrator's report

See below for a rewrite. Now Enrique ( SF DD) wants to be briefed and region is briefing him today.

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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**From:** Garvey, Melanie  
**Sent:** Thursday, June 29, 2017 1:04 PM  
**To:** Leff, Karin <Leff.Karin@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Azad, Ava <Azad.Ava@epa.gov>  
**Subject:** Fw: Potential blurb for Administrator's report

Hi Karin-

See Bethany's email message below and her correction to the blurb.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

I am not copying Erin yet on this message in case you want to wait until later today after the Region does its internal briefings.

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

NOTICE: ENFORCEMENT CONFIDENTIAL: DO NOT RELEASE UNDER FOIA: This message is intended exclusively for the individual(s) or entity(s) to whom or to which it is addressed. This communication may contain information that is proprietary, privileged, or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

---

**From:** Dreyfus, Bethany  
**Sent:** Thursday, June 29, 2017 12:54 PM  
**To:** Garvey, Melanie  
**Cc:** Azad, Ava; Dalzell, Sally; Chesnutt, John  
**Subject:** RE: Potential blurb for Administrator's report

Hi Melanie

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

---

Bethany Dreyfus  
EPA Region IX ORC-3  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972-3886  
(415) 947-3570 (fax)

---

**From:** Garvey, Melanie  
**Sent:** Thursday, June 29, 2017 8:51 AM  
**To:** Dreyfus, Bethany <[Dreyfus.Bethany@epa.gov](mailto:Dreyfus.Bethany@epa.gov)>  
**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** Fw: Potential blurb for Administrator's report

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

NOTICE: ENFORCEMENT CONFIDENTIAL: DO NOT RELEASE UNDER FOIA: This message is intended exclusively for the individual(s) or entity(s) to whom or to which it is addressed. This communication may contain information that is proprietary, privileged, or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

---

**From:** Miles, Erin  
**Sent:** Thursday, June 29, 2017 11:48 AM  
**To:** Leff, Karin  
**Cc:** Azad, Ava; Garvey, Melanie; Dalzell, Sally  
**Subject:** RE: Potential blurb for Administrator's report

Thanks. Can we say something a bit more specific about

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

---

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 11:26 AM  
**To:** Miles, Erin <[Miles.Erin@epa.gov](mailto:Miles.Erin@epa.gov)>  
**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** Potential blurb for Administrator's report

I contacted the region to see if they are submitting something. I haven't heard back. Here's what I suggest.

**Ex. 5 - Deliberative Process**

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Thank you.

Message

---

**From:** Leff, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]  
**Sent:** 6/29/2017 4:59:32 PM  
**To:** Miles, Erin [Miles.Erin@epa.gov]  
**Subject:** RE: Potential blurb for Administrator's report

## Ex. 5 - Deliberative Process

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Miles, Erin  
**Sent:** Thursday, June 29, 2017 12:56 PM  
**To:** Leff, Karin <Leff.Karin@epa.gov>  
**Subject:** RE: Potential blurb for Administrator's report

## Ex. 5 - Deliberative Process

---

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 12:04 PM  
**To:** Miles, Erin <Miles.Erin@epa.gov>  
**Subject:** Re: Potential blurb for Administrator's report

## Ex. 5 - Deliberative Process

Sent from my iPhone

On Jun 29, 2017, at 11:48 AM, Miles, Erin <Miles.Erin@epa.gov> wrote:

Thanks. Can we say something a bit more specific about

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

---

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 11:26 AM  
**To:** Miles, Erin <Miles.Erin@epa.gov>  
**Cc:** Azad, Ava <Azad.Ava@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>; Dalzell, Sally

<Dalzell.Sally@epa.gov>

**Subject:** Potential blurb for Administrator's report

I contacted the region to see if they are submitting something. I haven't heard back. Here's what I suggest.

## Ex. 5 - Deliberative Process

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
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Message

---

**From:** Leff, Karin [Leff.Karin@epa.gov]  
**Sent:** 6/29/2017 4:07:33 PM  
**To:** Manzanilla, Enrique [Manzanilla.Enrique@epa.gov]  
**Subject:** Re: Potential blurb for Administrator's report

Please give me a call if you want to discuss. Didn't mean to be so summary in my email. Hate the iPhone. .

Sent from my iPhone

On Jun 29, 2017, at 12:03 PM, Leff, Karin <Leff.Karin@epa.gov> wrote:

Sent from my iPhone

Begin forwarded message:

**From:** "Miles, Erin" <Miles.Erin@epa.gov>  
**Date:** June 29, 2017 at 11:48:13 AM EDT  
**To:** "Leff, Karin" <Leff.Karin@epa.gov>  
**Cc:** "Azad, Ava" <Azad.Ava@epa.gov>, "Garvey, Melanie" <Garvey.Melanie@epa.gov>, "Dalzell, Sally" <Dalzell.Sally@epa.gov>  
**Subject:** RE: Potential blurb for Administrator's report

Thanks. Can we say something a bit more specific about **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

---

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 11:26 AM  
**To:** Miles, Erin <Miles.Erin@epa.gov>  
**Cc:** Azad, Ava <Azad.Ava@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** Potential blurb for Administrator's report

I contacted the region to see if they are submitting something. I haven't heard back. Here's what I suggest.

## **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

This message is CONFIDENTIAL and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Message

---

**From:** Leff, Karin [Leff.Karin@epa.gov]  
**Sent:** 6/29/2017 4:04:14 PM  
**To:** Miles, Erin [Miles.Erin@epa.gov]  
**Subject:** Re: Potential blurb for Administrator's report

## Ex. 5 - Deliberative Process

Sent from my iPhone

On Jun 29, 2017, at 11:48 AM, Miles, Erin <Miles.Erin@epa.gov> wrote:

Thanks. Can we say something a bit more specific about

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

---

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 11:26 AM  
**To:** Miles, Erin <Miles.Erin@epa.gov>  
**Cc:** Azad, Ava <Azad.Ava@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** Potential blurb for Administrator's report

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# Ex. 5 - Deliberative Process

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Message

---

**From:** Leff, Karin [Leff.Karin@epa.gov]  
**Sent:** 6/29/2017 4:03:34 PM  
**To:** Manzanilla, Enrique [Manzanilla.Enrique@epa.gov]  
**Subject:** Fwd: Potential blurb for Administrator's report

Sent from my iPhone

Begin forwarded message:

**From:** "Miles, Erin" <Miles.Erin@epa.gov>  
**Date:** June 29, 2017 at 11:48:13 AM EDT  
**To:** "Leff, Karin" <Leff.Karin@epa.gov>  
**Cc:** "Azad, Ava" <Azad.Ava@epa.gov>, "Garvey, Melanie" <Garvey.Melanie@epa.gov>, "Dalzell, Sally" <Dalzell.Sally@epa.gov>  
**Subject:** RE: Potential blurb for Administrator's report

Thanks. Can we say something a bit more specific about

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 11:26 AM  
**To:** Miles, Erin <Miles.Erin@epa.gov>  
**Cc:** Azad, Ava <Azad.Ava@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>  
**Subject:** Potential blurb for Administrator's report

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**Ex. 5 - Deliberative Process**

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Message

---

**From:** Leff, Karin [Leff.Karin@epa.gov]  
**Sent:** 7/5/2017 7:54:43 PM  
**To:** Maldonado, Lewis [Maldonado.Lewis@epa.gov]  
**Subject:** Fwd: Potential blurb for Administrator's report

Sent from my iPhone

Begin forwarded message:

**From:** "Garvey, Melanie" <Garvey.Melanie@epa.gov>  
**Date:** June 29, 2017 at 1:04:11 PM EDT  
**To:** "Leff, Karin" <Leff.Karin@epa.gov>  
**Cc:** "Dalzell, Sally" <Dalzell.Sally@epa.gov>, "Muller, Marie" <MULLER.MARIE@EPA.GOV>, "Azad, Ava" <Azad.Ava@epa.gov>  
**Subject:** **Fw: Potential blurb for Administrator's report**

Hi Karin-

See Bethany's email message below and her correction to the blurb. **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process** I am not copying Erin yet on this message in case you want to wait until later today after the Region does its internal briefings.

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Dreyfus, Bethany  
**Sent:** Thursday, June 29, 2017 12:54 PM

**To:** Garvey, Melanie  
**Cc:** Azad, Ava; Dalzell, Sally; Chesnutt, John  
**Subject:** RE: Potential blurb for Administrator's report

Hi Melanie,

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

-----  
Bethany Dreyfus  
EPA Region IX ORC-3  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972-3886  
(415) 947-3570 (fax)

.....  
**From:** Garvey, Melanie  
**Sent:** Thursday, June 29, 2017 8:51 AM  
**To:** Dreyfus, Bethany <[Dreyfus.Bethany@epa.gov](mailto:Dreyfus.Bethany@epa.gov)>  
**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** Fw: Potential blurb for Administrator's report

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Miles, Erin  
**Sent:** Thursday, June 29, 2017 11:48 AM  
**To:** Leff, Karin  
**Cc:** Azad, Ava; Garvey, Melanie; Dalzell, Sally  
**Subject:** RE: Potential blurb for Administrator's report

Thanks. Can we say something a bit more specific about

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

---

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 11:26 AM  
**To:** Miles, Erin <[Miles.Erin@epa.gov](mailto:Miles.Erin@epa.gov)>  
**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** Potential blurb for Administrator's report

I contacted the region to see if they are submitting something. I haven't heard back. Here's what I suggest.

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

---

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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Message

---

**From:** Leff, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]  
**Sent:** 6/29/2017 5:43:29 PM  
**To:** Miles, Erin [Miles.Erin@epa.gov]  
**Subject:** RE: Potential blurb for Administrator's report

Ok. I just sent Enrique a message with the options I told you. Haven't heard back from him yet. Sylvia is out of the office. I had tried to get a hold of her. Her folks are all on board.

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Miles, Erin  
**Sent:** Thursday, June 29, 2017 1:41 PM  
**To:** Leff, Karin <Leff.Karin@epa.gov>  
**Subject:** RE: Potential blurb for Administrator's report

I agree that a heads up needs to be given somehow. We could also work through Patrick over the next week, and not include it in the Weekly. I can try to get Larry's opinion on this.

---

**From:** Leff, Karin  
**Sent:** Thursday, June 29, 2017 1:39 PM  
**To:** Miles, Erin <Miles.Erin@epa.gov>  
**Subject:** FW: Potential blurb for Administrator's report

See below for a rewrite. Now Enrique ( SF DD) wants to be briefed and region is briefing him today.

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office

US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Garvey, Melanie  
**Sent:** Thursday, June 29, 2017 1:04 PM  
**To:** Leff, Karin <Leff.Karin@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Azad, Ava <Azad.Ava@epa.gov>  
**Subject:** Fw: Potential blurb for Administrator's report

Hi Karin-

See Bethany's email message below and her correction to the blurb.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

I am not copying Erin yet on this message in case you want to wait until later today after the Region does its internal briefings.

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Dreyfus, Bethany  
**Sent:** Thursday, June 29, 2017 12:54 PM  
**To:** Garvey, Melanie  
**Cc:** Azad, Ava; Dalzell, Sally; Chesnutt, John  
**Subject:** RE: Potential blurb for Administrator's report

Hi Melanie,

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

-----  
Bethany Dreyfus  
EPA Region IX ORC-3  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972-3886  
(415) 947-3570 (fax)

---

**From:** Garvey, Melanie  
**Sent:** Thursday, June 29, 2017 8:51 AM  
**To:** Dreyfus, Bethany <[Dreyfus.Bethany@epa.gov](mailto:Dreyfus.Bethany@epa.gov)>  
**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
**Subject:** Fw: Potential blurb for Administrator's report

*Melanie Garvey*

Chemical Engineer  
EPA/OECA/FFEO  
202-564-2579 (office)

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---

**From:** Miles, Erin  
**Sent:** Thursday, June 29, 2017 11:48 AM  
**To:** Leff, Karin

Cc: Azad, Ava; Garvey, Melanie; Dalzell, Sally  
Subject: RE: Potential blurb for Administrator's report

Thanks. Can we say something a bit more specific about

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

---

From: Leff, Karin  
Sent: Thursday, June 29, 2017 11:26 AM  
To: Miles, Erin <[Miles.Erin@epa.gov](mailto:Miles.Erin@epa.gov)>  
Cc: Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Garvey, Melanie <[Garvey.Melanie@epa.gov](mailto:Garvey.Melanie@epa.gov)>; Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>  
Subject: Potential blurb for Administrator's report

I contacted the region to see if they are submitting something. I haven't heard back. Here's what I suggest.

# Ex. 5 - Deliberative Process

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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Thank you.

Message

---

**From:** Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Sent:** 3/30/2017 6:30:49 PM  
**To:** Leff, Karin [Leff.Karin@epa.gov]  
**CC:** Muller, Marie [MULLER.MARIE@EPA.GOV]  
**Subject:** Re: Federal Role in Enforcement Actions in States - first partial draft administrator briefing

Thanks Karin.

I have such A hard time writing at the 30,000 foot level.

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

NOTICE: ENFORCEMENT CONFIDENTIAL AND/OR ATTORNEY CLIENT PRIVILEGED: DO NOT RELEASE UNDER FOIA: This message is being sent by or on behalf of an attorney. It is intended exclusively for the individual(s) or entity(s) to whom or to which it is addressed. This communication may contain information that is proprietary, privileged, or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

On Mar 30, 2017, at 2:28 PM, Leff, Karin <Leff.Karin@epa.gov> wrote:

FYI

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Leff, Karin  
**Sent:** Thursday, March 30, 2017 2:27 PM  
**To:** Hindin, David <Hindin.David@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Cc:** Dombrowski, John <Dombrowski.John@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>  
**Subject:** RE: Federal Role in Enforcement Actions in States - first partial draft administrator briefing

Here are a few example we could add to slide 8 on “unique ability” activities

**National Settlement with the Department of the Interior (DOI)** involving DOI’s widespread multimedia noncompliance at schools and water systems in Indian Country. The settlement involved 7 statutes and affected 8 of the 10 regions, more than 60 tribes, and approximately 164 schools in Indian Country and the approximately 48 water systems that serve those schools and communities.

**Ft. Gordon RICE case:** The Army failed to comply with the RICE MACT emission limits and recordkeeping requirements.

**Ex. 7(e)**

**Ex. 7(e)**

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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---

**From:** Hindin, David  
**Sent:** Sunday, March 26, 2017 10:06 AM  
**To:** Cozad, David <Cozad.David@epa.gov>  
**Cc:** Dombrowski, John <Dombrowski.John@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>  
**Subject:** RE: Federal Role in Enforcement Actions in States - first partial draft administrator briefing

Dave:

Here is a partial draft of an administrator briefing. Would be good to talk about this and get some agreement on what additional charts and content we want. While we have lots of data to create more charts to better illustrate and make real the 6 bins, Dan Palmer needs time to work with David Sprague and others to generate the charts.

Perhaps we can find time late on Monday. I set out some of the questions on slide 2 we need to address regarding scope for our discussion. I also created a new slide that we could use to layout OECA’s Compliance Assurance Program, before diving deep into civil enforcement. If that slide works (#3) we could use it for other briefings, but just change the text that is highlighted.

*David A. Hindin*

Director, Office of Compliance  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency, Washington, DC 20460  
Phone 202-564-1300

---

**From:** Miles, Erin

**Sent:** Friday, March 24, 2017 2:18 PM

**To:** Hindin, David <[Hindin.David@epa.gov](mailto:Hindin.David@epa.gov)>; Shinkman, Susan <[Shinkman.Susan@epa.gov](mailto:Shinkman.Susan@epa.gov)>

**Cc:** Dombrowski, John <[Dombrowski.John@epa.gov](mailto:Dombrowski.John@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>;  
Barnet, Henry <[Barnet.Henry@epa.gov](mailto:Barnet.Henry@epa.gov)>; Leff, Karin <[Leff.Karin@epa.gov](mailto:Leff.Karin@epa.gov)>; Mackey, Cyndy  
<[Mackey.Cyndy@epa.gov](mailto:Mackey.Cyndy@epa.gov)>

**Subject:** Federal Role in Enforcement Actions in States

Our request to brief the Administrator on this topic has been approved, so we could have the meeting as early as next week.

Larry asked whether anyone was working on slides. I couldn't remember if we had talked about that.

Message

---

**From:** Leff, Karin [Leff.Karin@epa.gov]  
**Sent:** 3/30/2017 6:28:08 PM  
**To:** Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]  
**Subject:** FW: Federal Role in Enforcement Actions in States - first partial draft administrator briefing

FYI

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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**Cc:** Dombrowski, John <Dombrowski.John@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>  
**Subject:** RE: Federal Role in Enforcement Actions in States - first partial draft administrator briefing

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Ex. 7(e)

**Ex. 7(e)**

---

Karin Leff  
Acting Director, Federal Facilities Enforcement Office  
US EPA-OECA  
202.564.7068 (w)  
202.236.3669 (c)

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**Cc:** Dombrowski, John <Dombrowski.John@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>  
**Subject:** RE: Federal Role in Enforcement Actions in States - first partial draft administrator briefing

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*David A. Hindin*  
Director, Office of Compliance  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency, Washington, DC 20460  
Phone 202-564-1300

---

**From:** Miles, Erin  
**Sent:** Friday, March 24, 2017 2:18 PM  
**To:** Hindin, David <Hindin.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>  
**Cc:** Dombrowski, John <Dombrowski.John@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>  
**Subject:** Federal Role in Enforcement Actions in States

Our request to brief the Administrator on this topic has been approved, so we could have the meeting as early as next week.

Larry asked whether anyone was working on slides. I couldn't remember if we had talked about that.

Message

---

**Sent:** 7/12/2017 4:02:22 PM  
**To:** Dalzell, Sally [Dalzell.Sally@epa.gov]  
**Subject:** FW: Washington Navy Yard Penalty Payment

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Gardner, Allison  
Sent: Wednesday, July 12, 2017 10:53 AM  
To: Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks, Gracie.

## Ex. 5 - DPP and ACP

Ex. 5 - DPP and ACP

Thanks.

Allison

-----Original Message-----

From: Jimenez, Jose  
Sent: Wednesday, July 12, 2017 10:42 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

That will be great!!

-----Original Message-----

From: Pendleton, Gracie  
Sent: Wednesday, July 12, 2017 10:34 AM  
To: Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>; Gardner, Allison <Gardner.Allison@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Would you like me on that call? I haven't been joining in since you guys won't give me any more work.  
:(

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Jimenez, Jose  
Sent: Wednesday, July 12, 2017 10:27 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks for alerting us on this. We will discuss this issue in our next docket.

-----Original Message-----

From: Pendleton, Gracie  
Sent: Wednesday, July 12, 2017 10:13 AM  
To: Gardner, Allison <Gardner.Allison@epa.gov>  
Cc: Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>  
Subject: FW: Washington Navy Yard Penalty Payment

Allison -

# Ex. 5 - DPP and ACP

Please let me know how you'd like to proceed.

Thanks!

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather  
Sent: Wednesday, July 12, 2017 9:00 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Craig double checked for me and we do not have anything here...let me know if we can do anything on our end to get this one closed out. Thanks!

Heather

-----Original Message-----

From: Pendleton, Gracie  
Sent: Tuesday, July 11, 2017 3:38 PM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Cc: Steffen, Craig <steffen.craig@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Heather. I'll wait to hear back from Craig before I raise this to my management. I think we've done what we can on our end.

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather  
Sent: Tuesday, July 11, 2017 12:18 PM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Cc: Steffen, Craig <steffen.craig@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,  
We have not received this payment that I can find, I have cc'd Craig from our collections group that handles our IPAC payments just in case I missed something. I have sent back to them what they requested a long while back (MIPR) so not sure what the holdup is on their end...

-----Original Message-----

From: Pendleton, Gracie

Sent: Tuesday, July 11, 2017 11:34 AM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Heather -

I just wanted to make sure this was resolved and EPA received payment. Can you let me know please?

Thanks!

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Pendleton, Gracie  
Sent: Thursday, June 15, 2017 9:30 AM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather  
Sent: Thursday, June 15, 2017 9:28 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Gracie- I will be out of the office tomorrow and all of next week so below is our collection officers information and he will be the one that can provide IPAC information ( I assume that is how they will be sending the payment since that is what they have done in the past):

Craig Steffen  
(513)487-2091 (phone)  
(513)487-2063 (fax)  
steffen.craig@epa.gov

Heather

-----Original Message-----

From: Pendleton, Gracie  
Sent: Thursday, June 15, 2017 9:09 AM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Fedinatz, Kimberly G CIV NAVFAC Washington [mailto:kimberly.fedinatz@navy.mil]  
Sent: Thursday, June 15, 2017 8:28 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,  
In April Navy sent the \$15k to DFAS (DoD financial agency...I think it processes pay for EPA too) sent a funding document to EPA in April, EPA accepted it, and there is a misunderstanding/miscommunication about how to actually move the money between the two. We are working on connecting all the financial parties. I have no idea how this is so hard, since this is not the first time DFAS has ever paid EPA!

~Kimi

-----Original Message-----

From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]  
Sent: Tuesday, May 30, 2017 11:31 AM  
To: Fedinatz, Kimberly G CIV NAVFAC Washington  
Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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---

From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>  
Sent: Monday, May 29, 2017 12:13 PM  
To: Pendleton, Gracie  
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,  
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.  
V/r,  
Kimi

ED\_001395\_00008290-00004

-----Original Message-----

From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]  
Sent: Wednesday, May 24, 2017 3:55 PM  
To: Fedinatz, Kimberly G CIV NAVFAC Washington  
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

Thanks!

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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Message (Digitally Signed)

---

**From:** Nguyen, Quang D CIV NAVFAC Washington [quang.d.nguyen@navy.mil]  
**Sent:** 7/19/2017 6:05:15 PM  
**To:** Williams, Molly [williams.molly@epa.gov]; Russell, Heather [Russell.Heather@epa.gov]; Vargas, Maria A CIV NAVFAC Washington [maria.vargas@navy.mil]; Banks-Saunders, Jina CIV NAVFAC Washington [jina.bankssaunders@navy.mil]  
**CC:** Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Subject:** RE: Funding for EPA Violations--Washington Navy Yard  
**Attachments:** smime.p7s

Hi Molly, just wanted to give you status on this payment.

Per our accounting POC, on July 11, the payment was submitted through IPAC and is awaiting certification. The DFAS technician that processed the payment stated that we should see the transaction clear Treasury in 7-14 business days.

Please let us know when EPA received the payment, thanks

Regards,

Quang Nguyen, PE  
Acting Environmental Director  
PWD Washington  
1013 O ST, SE|Building 166-1st floor  
Washington Navy Yard|DC|20374  
Office: 202.433.0415  
Mobile: 813-240-5578  
Quang.D.Nguyen@navy.mil

-----Original Message-----

From: Williams, Molly [mailto:williams.molly@epa.gov]  
Sent: Monday, June 05, 2017 12:51 PM  
To: Russell, Heather; Vargas, Maria A CIV NAVFAC Washington; Banks-Saunders, Jina CIV NAVFAC Washington  
Cc: Nguyen, Quang D CIV NAVFAC Washington; Pendleton, Gracie  
Subject: [Non-DoD Source] RE: Funding for EPA Violations--Washington Navy Yard

Our ALC is Ex. 6 - Personal Privacy you need your DFAS office to send these funds to us via IPAC...

Molly

Molly Williams, Supervisor  
Reimbursable Branch  
US EPA/OCFO/OC/CFC/RB  
26 W MLK Drive, MS-002  
Cincinnati, OH 45268  
513-487-2076  
513-487-2063 (fax)

-----Original Message-----

From: Russell, Heather  
Sent: Monday, June 05, 2017 12:12 PM  
To: Vargas, Maria A CIV NAVFAC Washington <maria.vargas@navy.mil>; Banks-Saunders, Jina CIV NAVFAC Washington <jina.bankssaunders@navy.mil>  
Cc: Williams, Molly <williams.molly@epa.gov>; Nguyen, Quang D CIV NAVFAC Washington <quang.d.nguyen@navy.mil>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: FW: Funding for EPA Violations--Washington Navy Yard

I am re-sending the MIPR I sent April 24th in case you need it. If you need our IPAC information, please contact Craig Steffen at (513)487-2091 and he will be able to provide that information. I am not sure what else you need to process the payment but if we can do anything on our end, please let us know. Thanks!

Heather

-----Original Message-----

From: Russell, Heather  
Sent: Monday, April 24, 2017 10:09 AM  
To: 'Banks-Saunders, Jina CIV NAVFAC Washington' <jina.bankssaunders@navy.mil>

Subject: RE: Funding for EPA Violations

Sure, please see attached and let me know if I missed anything...

Heather

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington [mailto:jina.bankssaunders@navy.mil]  
Sent: Friday, April 21, 2017 4:15 PM  
To: Willett, Carin L CIV NAVFAC, Washington <carin.willett@navy.mil>; Russell, Heather  
<Russell.Heather@epa.gov>  
Cc: Rodriguez, Angelica CIV NAVFAC Washington <angelica.rodriguez@navy.mil>; Scott, Karon H CIV NAVFAC  
Washington <karon.scott@navy.mil>  
Subject: RE: Funding for EPA Violations

Ms. Russell,

Based on the below information can you please forward a copy of the acceptance for the document received?

Thanks in advance.

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: Jina.BanksSaunders@Navy.Mil

-----Original Message-----

From: Willett, Carin L CIV NAVFAC, Washington  
Sent: Friday, April 21, 2017 10:16 AM  
To: Russell, Heather (Russell.Heather@epa.gov)  
Cc: Banks-Saunders, Jina CIV NAVFAC Washington; Rodriguez, Angelica CIV NAVFAC Washington; Scott, Karon H  
CIV NAVFAC Washington  
Subject: FW: Funding for EPA Violations

Heather

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Thank you and have a good weekend.

Carin Willett  
NAVFAC Washington  
Management Analyst  
202-685-3286  
202-768-0015 (cell)

-----Original Message-----

From: Vargas, Maria A CIV NAVFAC Washington  
Sent: Friday, April 21, 2017 10:13 AM  
To: Banks-Saunders, Jina CIV NAVFAC Washington; Willett, Carin L CIV NAVFAC, Washington; Williams, Robert  
L CIV NAVFAC Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell,  
Heather; Scott, Karon H CIV NAVFAC Washington; Wright, Malgorzata E CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Ms. Carin, Ms. Saunders,

**Ex. 5 - Deliberative Process**

Thanks,  
mav

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington  
Sent: Friday, April 21, 2017 10:05 AM  
To: Willett, Carin L CIV NAVFAC, Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell,  
Heather; Scott, Karon H CIV NAVFAC Washington; Vargas, Maria A CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Carin,

Thanks for the update! I will follow up with you next week.

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: Jina.BanksSaunders@Navy.Mil

-----Original Message-----

From: Willett, Carin L CIV NAVFAC, Washington  
Sent: Friday, April 21, 2017 8:44 AM  
To: Banks-Saunders, Jina CIV NAVFAC Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Jina,

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Thanks

Carin Willett  
NAVFAC Washington  
Management Analyst  
202-685-3286  
202-768-0015 (cell)

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington  
Sent: Thursday, April 20, 2017 3:36 PM  
To: Willett, Carin L CIV NAVFAC, Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington  
Subject: FW: Funding for EPA Violations  
Importance: High

Ms. Willett,

## Ex. 5 - Deliberative Process

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: Jina.BanksSaunders@Navy.Mil

-----Original Message-----

From: Russell, Heather [mailto:Russell.Heather@epa.gov]  
Sent: Thursday, April 20, 2017 2:36 PM  
To: Banks-Saunders, Jina CIV NAVFAC Washington  
Subject: [Non-DoD Source] RE: Funding for EPA Violations

Hi Jina,

**Ex. 5 - Deliberative Process**

Thanks!

Heather

Heather Russell

U.S. Environmental Protection Agency  
Office of the Controller  
Non-Superfund, R3/R4/R7/R10  
Phone: 513-487-2044  
Fax: 513-487-2063  
Russell.Heather@epa.gov

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington [mailto:jina.bankssaunders@navy.mil]  
Sent: Thursday, April 20, 2017 12:49 PM  
To: Willett, Carin L CIV NAVFAC, Washington <carin.willett@navy.mil>; Vargas, Maria A CIV NAVFAC Washington <maria.vargas@navy.mil>; Russell, Heather <Russell.Heather@epa.gov>  
Cc: Yarber, Daron J CIV NAVFAC Washington, FM34 <daron.yarber@navy.mil>; Scott, Karon H CIV NAVFAC Washington <karon.scott@navy.mil>  
Subject: Funding for EPA Violations

Ms. Russell,

Attached please find funding for EPA Violations at the WNY.

Please forward a copy of the acceptance within 5 days of receipt to  
NAVFAC\_Wash\_NWCF\_Funding\_Document\_Requests@navy.mil.

Thanks!

v/R,

Jina Saunders  
NAVFAC FM

V: 202-685-9624

Message

**From:** Gardner, Allison [Gardner.Allison@epa.gov]  
**Sent:** 7/12/2017 2:53:24 PM  
**To:** Jimenez, Jose [JIMENEZ.JOSE@EPA.GOV]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Subject:** RE: Washington Navy Yard Penalty Payment

Thanks, Gracie.

## Ex. 5 - DPP and ACP

Ex. 5 - DPP and ACP

Thanks.

Allison

-----Original Message-----

From: Jimenez, Jose  
Sent: Wednesday, July 12, 2017 10:42 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

That will be great!!

-----Original Message-----

From: Pendleton, Gracie  
Sent: Wednesday, July 12, 2017 10:34 AM  
To: Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>; Gardner, Allison <Gardner.Allison@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Would you like me on that call? I haven't been joining in since you guys won't give me any more work.  
:(

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Jimenez, Jose  
Sent: Wednesday, July 12, 2017 10:27 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks for alerting us on this. We will discuss this issue in our next docket.

-----Original Message-----

From: Pendleton, Gracie  
Sent: Wednesday, July 12, 2017 10:13 AM  
To: Gardner, Allison <Gardner.Allison@epa.gov>  
Cc: Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>  
Subject: FW: Washington Navy Yard Penalty Payment

Allison -

## Ex. 5 - DPP and ACP

Thanks!

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather  
Sent: Wednesday, July 12, 2017 9:00 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Craig double checked for me and we do not have anything here...let me know if we can do anything on our end to get this one closed out. Thanks!

Heather

-----Original Message-----

From: Pendleton, Gracie  
Sent: Tuesday, July 11, 2017 3:38 PM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Cc: Steffen, Craig <steffen.craig@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Heather. I'll wait to hear back from Craig before I raise this to my management. I think we've done what we can on our end.

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather  
Sent: Tuesday, July 11, 2017 12:18 PM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Cc: Steffen, Craig <steffen.craig@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,  
We have not received this payment that I can find, I have cc'd Craig from our collections group that handles our IPAC payments just in case I missed something. I have sent back to them what they requested a long while back (MIPR) so not sure what the holdup is on their end...

-----Original Message-----

From: Pendleton, Gracie  
Sent: Tuesday, July 11, 2017 11:34 AM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Heather -

I just wanted to make sure this was resolved and EPA received payment. Can you let me know please?

Thanks!

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

-----Original Message-----

From: Pendleton, Gracie  
Sent: Thursday, June 15, 2017 9:30 AM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather  
Sent: Thursday, June 15, 2017 9:28 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Gracie- I will be out of the office tomorrow and all of next week so below is our collection officers information and he will be the one that can provide IPAC information ( I assume that is how they will be sending the payment since that is what they have done in the past):

Craig Steffen  
(513)487-2091 (phone)  
(513)487-2063 (fax)  
steffen.craig@epa.gov

Heather

-----Original Message-----

From: Pendleton, Gracie  
Sent: Thursday, June 15, 2017 9:09 AM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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From: Fedinatz, Kimberly G CIV NAVFAC Washington [mailto:kimberly.fedinatz@navy.mil]  
Sent: Thursday, June 15, 2017 8:28 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,  
In April Navy sent the \$15k to DFAS (DoD financial agency...I think it processes pay for EPA too) sent a funding document to EPA in April, EPA accepted it, and there is a misunderstanding/miscommunication about how to actually move the money between the two. We are working on connecting all the financial parties. I have no idea how this is so hard, since this is not the first time DFAS has ever paid EPA!

~Kimi

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From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]  
Sent: Tuesday, May 30, 2017 11:31 AM  
To: Fedinatz, Kimberly G CIV NAVFAC Washington  
Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>  
Sent: Monday, May 29, 2017 12:13 PM  
To: Pendleton, Gracie  
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,  
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.  
V/r,  
Kimi

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From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]  
Sent: Wednesday, May 24, 2017 3:55 PM  
To: Fedinatz, Kimberly G CIV NAVFAC Washington  
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

ED\_001395\_00008321-00004

Thanks!

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Message

---

**From:** Jimenez, Jose [JIMENEZ.JOSE@EPA.GOV]  
**Sent:** 7/12/2017 2:42:04 PM  
**To:** Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Gardner, Allison [Gardner.Allison@epa.gov]  
**Subject:** RE: Washington Navy Yard Penalty Payment

That will be great!!

-----Original Message-----

**From:** Pendleton, Gracie  
**Sent:** Wednesday, July 12, 2017 10:34 AM  
**To:** Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>; Gardner, Allison <Gardner.Allison@epa.gov>  
**Subject:** RE: Washington Navy Yard Penalty Payment

Would you like me on that call? I haven't been joining in since you guys won't give me any more work.  
:(

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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**From:** Jimenez, Jose  
**Sent:** Wednesday, July 12, 2017 10:27 AM  
**To:** Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>  
**Subject:** RE: Washington Navy Yard Penalty Payment

Thanks for alerting us on this. We will discuss this issue in our next docket.

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**From:** Pendleton, Gracie  
**Sent:** Wednesday, July 12, 2017 10:13 AM  
**To:** Gardner, Allison <Gardner.Allison@epa.gov>  
**Cc:** Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>  
**Subject:** FW: Washington Navy Yard Penalty Payment

Allison -

# Ex. 5 - DPP and ACP

Thanks!

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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**From:** Russell, Heather  
**Sent:** Wednesday, July 12, 2017 9:00 AM

To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Craig double checked for me and we do not have anything here...let me know if we can do anything on our end to get this one closed out. Thanks!

Heather

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From: Pendleton, Gracie  
Sent: Tuesday, July 11, 2017 3:38 PM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Cc: Steffen, Craig <steffen.craig@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Heather. I'll wait to hear back from Craig before I raise this to my management. I think we've done what we can on our end.

Gracie Pendleton  
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To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Cc: Steffen, Craig <steffen.craig@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,  
We have not received this payment that I can find, I have cc'd Craig from our collections group that handles our IPAC payments just in case I missed something. I have sent back to them what they requested a long while back (MIPR) so not sure what the holdup is on their end...

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Heather -

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Thanks!

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-----Original Message-----

From: Pendleton, Gracie  
Sent: Thursday, June 15, 2017 9:30 AM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

Gracie Pendleton  
Attorney-Advisor

Tel: 202-564-2588

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Subject: RE: Washington Navy Yard Penalty Payment

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Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

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Thanks!

ED\_001395\_00008322-00003

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
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Washington, D.C. 20460  
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ED\_001395\_00008322-00004

Washington, D.C. 20460  
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**Sent:** 7/12/2017 2:27:15 PM  
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Allison -

# Ex. 5 - DPP, ACP, and AWP

Thanks!

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Attorney-Advisor  
US Environmental Protection Agency  
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1200 Pennsylvania Avenue, N.W.  
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V/r,  
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Message

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**From:** Raguza, Holly [Raguza.Holly@epa.gov]  
**Sent:** 6/29/2017 8:07:39 PM  
**To:** Dent, Joan [Dent.joan@epa.gov]; Martinez, Wilbur [Martinez.Wilbur@epa.gov]; Convery, Christine [Convery.Christine@epa.gov]  
**CC:** Abramson, Jennifer [Abramson.Jennifer@epa.gov]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Dressel, Paul [DRESSEL.PAUL@EPA.GOV]  
**Subject:** RE: Please Populate the ICIS Federal Facility Activity field for these enforcement actions

Hi Joan,

Are you talking about 4(c) on the CCDS Form? For Mummau, "No" was selected on the CCDS- it is not a federal facility.

Thanks and have a good holiday!

Holly

---

**From:** Dent, Joan  
**Sent:** Thursday, June 29, 2017 3:00 PM  
**To:** Raguza, Holly <Raguza.Holly@epa.gov>; Martinez, Wilbur <Martinez.Wilbur@epa.gov>; Convery, Christine <Convery.Christine@epa.gov>  
**Cc:** Abramson, Jennifer <Abramson.Jennifer@epa.gov>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Dressel, Paul <DRESSEL.PAUL@EPA.GOV>  
**Subject:** Fw: Please Populate the ICIS Federal Facility Activity field for these enforcement actions

Hello Holly/Wilbur/Christine,

HQ has asked to populate Federal Facility Activity fields within ICIS for the three (3) enforcement actions in our region.

Please let me know the appropriate option for Federal Facility Activity that should be indicated for your case within ICIS.

Cut/paste HQ's Federal Facilities - Final Guidance on Identifying Federal Facility Activities and Ownership in ICIS (below for your convenience).

Federal Facilities - Final Guidance on Identifying Federal Facility Activities and Ownership in ICIS (06.30.2011)

When needed, use the "Federal Facility Activity Comment" field to explain in more detail why a case is considered a "federal facility" activity.

Enforcement action and inspection information specific to Federal Facilities is used for OTIS/ECHO, EOY reporting, regional progress reports, and as part of the annual enforcement results website. Because this field is specific to activities and now ownership, it does not update FRS or any of the other data systems with a federal facility ownership field.

How to mark the ownership of a facility as "Federal" in ICIS

As noted above, "Federal Facility" activities can occur at both privately owned and government owned facilities which is why activities are marked separately from facility ownership.\*

The ICIS facility module has a field called "Type of Ownership". Use this field to mark the owner of a facility as a "federal facility" when a federal agency owns the facility listed in the record.

· The Federal Facility Activity field has three choices:

Federal Facility - Traditional federal facility, military base, federal land or federal agency impacting private property

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No Federal Facility Involvement – No federal agency or federal property are involved

When needed, use the "Federal Facility Activity Comment" field to explain in more detail why a case is considered a "federal facility" activity.

If you have any questions or comments, please let me know.

Thank you and I do apologize for the short notice.

Joan

Joan M. Dent  
U.S. Environmental Protection Agency  
Office of Enforcement, Compliance  
& Environmental Justice (3EC00)  
1650 Arch Street  
Philadelphia, PA 19103  
215-814-2651

---

**From:** Ager, Sara

**Sent:** Thursday, June 15, 2017 1:40 PM

**Subject:** Please Populate the ICIS Federal Facility Activity field for these enforcement actions

*Hello,*

*For your region, please populate the Federal Facility Activity field for the ICIS enforcement actions listed below. If the action is not a federal facility, please populate the Federal Facility Activity field with the "No Federal Facility Involvement" selection. These possible data omissions can be found on the ICIS DQR – Federal Facility Action Report.*

*Thank you for your attention to the ICIS data quality.*

*Sara*

\*\*\*\*\*

**DIRECTIONS FOR POPULATING THE FEDERAL FACILITY ACTIVITY FIELD**

1. If there is a Federal Facility Action that is displaying on this tab, update ICIS with the correct Federal Facility Activity - Either "Federal Facility" or "Non-Federal Party Impacting Federal Property" from the ICIS Federal Facility Activity drop down menu located on the FE&C Basic Info Screen.
2. If there is an Action that is displaying on this tab that is not a Federal Facility, then update the record in ICIS by selecting "Non-Federal Facility Involvement" from the ICIS Federal Facility Activity drop down menu located on the FE&C Basic Info Screen.

EFA Region	Enforcement Action Identifier	Final Order Number	Enforcement Action Name	Primary Law Code	Enforcement Action Status	Status Date	Federal Facility Activity	Final Order Name	Final Order Type
01	01-2017-1007	1	CUTLER MAINE NAVAL FACILITY	CAA	Final Order Issued	04/19/2017		CUTLER MAINE NAVAL FACILITY	Administrative Penalty Order With or Without Injunctive Relief
03	03-2017-0005	1	U. S. DEPT OF THE NAVY (WASHINGTON NAVY YARD)	RCRA	Final Order Issued	03/08/2017		U. S. DEPT OF THE NAVY (WASHINGTON NAVY YARD)	Administrative Penalty Order With or Without Injunctive Relief
03	03-2017-0036	1	MUMMAU SALES	FIFRA	Final Order Issued	01/06/2017		MUMMAU SALES	Administrative Penalty Order With or Without Injunctive Relief
03	03-2017-0119	1	U.S. WATER, INC. (WATER CHEMICAL SERVICE, INC. D/B/A WATERCHEM)	FIFRA	Final Order Issued	04/13/2017		U.S. WATER, INC. (WATER CHEMICAL SERVICE, INC. D/B/A WATERCHEM)	Administrative Penalty Order With or Without Injunctive Relief
04	04-2016-4008	1	AEROSPACE/DEFENSE COATINGS OF GEORGIA, INC.	RCRA	Closed	11/10/2016		AEROSPACE/DEFENSE COATINGS OF GEORGIA, INC.	Administrative Penalty Order With or Without Injunctive Relief
06	06-2012-3558	1	HWTG FORT SMITH	CAA	Closed	10/10/2012		HWTG FORT SMITH	Administrative Penalty Order With or Without Injunctive Relief
06	06-2012-3559	1	ZERO MOUNTAIN, INC. FORT SMITH	CAA	Closed	07/17/2012		ZERO MOUNTAIN, INC. FORT SMITH	Administrative Penalty Order With or Without Injunctive Relief

## Ex. 5 - DPP and ACP

06	06-2015-3516	1	UNITED STATES COLD STORAGE, DALLAS	CAA	Closed	08/12/2015		UNITED STATES COLD STORAGE, DALLAS	Administrative Penalty Order With or Without Injunctive Relief
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06	06-2016-0955	1	WEATHERFORD U.S., L.P.	RCRA	Closed	02/02/2017		WEATHERFORD U.S., L.P.	Administrative Penalty Order With or Without Injunctive Relief
06	06-2016-3418	1	UNITED STATES COLD STORAGE LP	CAA	Closed	09/23/2016		UNITED STATES COLD STORAGE LP CAFO	Administrative Penalty Order With or Without Injunctive Relief
06	06-2016-3419	1	UNITED STATES COLD STORAGE LP AOC	CAA	Final Order Issued	08/29/2016		UNITED STATES COLD STORAGE LP AOC	Administrative Compliance Orders
07	07-2012-0046	1	DOE RUN RESOURCES CORPORATION	RCRA	Final Order Issued	01/09/2012		DOE RUN RESOURCES CORPORATION	Administrative Compliance Orders
07	07-2012-0216	1	VETERANS HOSPITAL/RCC	RCRA	Closed	09/10/2012		VETERANS HOSPITAL/RCC	Administrative Penalty Order With or Without Injunctive Relief
07	07-2013-0172	1	PAVLU SPRAYING, INC	FIFRA	Closed	08/21/2013		PAVLU SPRAYING, INC	Administrative Penalty Order With or Without Injunctive Relief
07	07-2014-0108	1	FEDERAL MOGUL IGNITION COMPANY	RCRA	Closed	04/03/2014		FEDERAL MOGUL IGNITION COMPANY	Administrative Penalty Order With or Without Injunctive Relief
07	07-2017-0012	1	BIG RIVER MINE TAILINGS SUPERFUND SITE/DOE RUN RESOURCES CORPORATION	CERCLA	Final Order Issued	10/19/2016		BIG RIVER MINE TAILINGS SUPERFUND SITE/DOE RUN RESOURCES CORPORATION	Administrative Compliance Orders
09	09-2013-2512	2	UNITED STATES VS. GOODRICH ET. AL.	CERCLA	Concluded	04/04/2014		UNITED STATES VS. GOODRICH ET. AL.	Consent Decree or Court Order Resolving Civil Judicial Action
09	09-2009-1547	1	AMERICAN MARINE CORPORATION	CWA	Closed	06/06/2011		AMERICAN MARINE CORPORATION	Administrative Compliance Orders
10	10-1999-0032	1	USAF - EIELSON AFB	RCRA	Closed	04/03/2017		USAF EIELSON AFB	Administrative Compliance Orders

Message

---

**From:** Dent, Joan [Dent.joan@epa.gov]  
**Sent:** 6/29/2017 7:00:22 PM  
**To:** Raguza, Holly [Raguza.Holly@epa.gov]; Martinez, Wilbur [Martinez.Wilbur@epa.gov]; Convery, Christine [Convery.Christine@epa.gov]  
**CC:** Abramson, Jennifer [Abramson.Jennifer@epa.gov]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Dressel, Paul [DRESSEL.PAUL@EPA.GOV]  
**Subject:** Fw: Please Populate the ICIS Federal Facility Activity field for these enforcement actions

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Joan

Joan M. Dent  
U.S. Environmental Protection Agency  
Office of Enforcement, Compliance  
& Environmental Justice (3EC00)  
1650 Arch Street  
Philadelphia, PA 19103  
215-814-2651

---

**From:** Ager, Sara  
**Sent:** Thursday, June 15, 2017 1:40 PM  
**Subject:** Please Populate the ICIS Federal Facility Activity field for these enforcement actions

Hello,

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Thank you for your attention to the ICIS data quality.  
Sara

\*\*\*\*\*

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03	03-2017-0036	1	MUMMAU SALES	FIFRA	Final Order Issued	01/06/2017		MUMMAU SALES	Administrative Penalty Order With or Without Injunctive Relief
03	03-2017-0119	1	U.S. WATER, INC. (WATER CHEMICAL SERVICE, INC. D/B/A WATERCHEM)	FIFRA	Final Order Issued	04/13/2017		U.S. WATER, INC. (WATER CHEMICAL SERVICE, INC. D/B/A WATERCHEM)	Administrative Penalty Order With or Without Injunctive Relief
04	04-2016-4008	1	AEROSPACE/DEFENSE COATINGS OF GEORGIA, INC.	RCRA	Closed	11/10/2016		AEROSPACE/DEFENSE COATINGS OF GEORGIA, INC.	Administrative Penalty Order With or Without Injunctive Relief
06	06-2012-3558	1	HWTG FORT SMITH	CAA	Closed	10/10/2012		HWTG FORT SMITH	Administrative Penalty Order With or Without Injunctive Relief
06	06-2012-3559	1	ZERO MOUNTAIN, INC. FORT SMITH	CAA	Closed	07/17/2012		ZERO MOUNTAIN, INC. FORT SMITH	Administrative Penalty Order With or Without Injunctive Relief

# Ex. 5 - DPP and ACP

06	06-2015-3516	1	UNITED STATES COLD STORAGE, DALLAS	CAA	Closed	08/12/2015		UNITED STATES COLD STORAGE, DALLAS	Administrative Penalty Order With or Without Injunctive Relief
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06	06-2016-3418	1	UNITED STATES COLD STORAGE LP	CAA	Closed	09/23/2016		UNITED STATES COLD STORAGE LP CAFO	Administrative Penalty Order With or Without Injunctive Relief
06	06-2016-3419	1	UNITED STATES COLD STORAGE LP AOC	CAA	Final Order Issued	08/29/2016		UNITED STATES COLD STORAGE LP AOC	Administrative Compliance Orders
07	07-2012-0046	1	DOE RUN RESOURCES CORPORATION	RCRA	Final Order Issued	01/09/2012		DOE RUN RESOURCES CORPORATION	Administrative Compliance Orders
07	07-2012-0216	1	VETERANS HOSPITAL/RCC	RCRA	Closed	09/10/2012		VETERANS HOSPITAL/RCC	Administrative Penalty Order With or Without Injunctive Relief

									Injunctiv Relief
07	07-2013- 0172	1	PAVLU SPRAYING, INC	FIFRA	Closed	08/21/2013		PAVLU SPRAYING, INC	Administra Penalty Or With or Without Injunctiv Relief
07	07-2014- 0108	1	FEDERAL MOGUL IGNITION COMPANY	RCRA	Closed	04/03/2014		FEDERAL MOGUL IGNITION COMPANY	Administra Penalty Or With or Without Injunctiv Relief
07	07-2017- 0012	1	BIG RIVER MINE TAILINGS SUPERFUND SITE/DOE RUN RESOURCES CORPORATION	CERCLA	Final Order Issued	10/19/2016		BIG RIVER MINE TAILINGS SUPERFUND SITE/DOE RUN RESOURCES CORPORATION	Administra Complian Orders
09	09-2013- 2512	2	UNITED STATES VS. GOODRICH ET. AL.	CERCLA	Concluded	04/04/2014		UNITED STATES VS. GOODRICH ET. AL.	Conserv Decree o Court Ord Resolving Civil Judic Action
09	09-2009- 1547	1	AMERICAN MARINE CORPORATION	CWA	Closed	06/06/2011		AMERICAN MARINE CORPORATION	Administra Complian Orders
10	10-1999- 0032	1	USAF - EIELSON AFB	RCRA	Closed	04/03/2017		USAF EIELSON AFB	Administra Complian Orders

Message

**From:** KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE [deborah.klein.2@us.af.mil]  
**Sent:** 1/25/2017 6:43:34 PM  
**To:** Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Subject:** RE: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

Good morning,  
I received the proposed settlement. **Ex. 5 - Deliberative Process**  
I'll be in touch if I have any concerns in the meantime. I should be able to go over the proposal in detail this afternoon.  
Thank you,  
Debbie

-----Original Message-----

From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]  
Sent: Tuesday, January 24, 2017 10:18 AM  
To: KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE <deborah.klein.2@us.af.mil>  
Cc: Garvey, Melanie <Garvey.Melanie@epa.gov>  
Subject: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

For Settlement Purposes Only

Debbie,

Thank you for your patience as EPA finalized this document. Attached is the revised **Consent Agreement/Final Order and penalty EPA is proposing to settle the alleged violations.** **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

Please let me know if you have any questions or concerns that you would like to discuss.

Thank you.

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

NOTICE: ENFORCEMENT CONFIDENTIAL AND/OR ATTORNEY CLIENT PRIVILEGED: DO NOT RELEASE UNDER FOIA: This message is being sent by or on behalf of an attorney. It is intended exclusively for the individual(s) or entity(s) to whom or to which it is addressed. This communication may contain information that is proprietary, privileged, or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.



Message

---

**From:** KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE [deborah.klein.2@us.af.mil]  
**Sent:** 1/30/2017 11:04:05 PM  
**To:** Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Subject:** RE: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

Gracie.

# Ex. 5 - Deliberative Process

Debbie

-----Original Message-----

**From:** Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]  
**Sent:** Monday, January 30, 2017 1:48 PM  
**To:** KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE <deborah.klein.2@us.af.mil>  
**Subject:** Re: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

Debbie -

# Ex. 5 - Deliberative Process

Thanks Debbie!

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
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From: KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE <deborah.klein.2@us.af.mil>  
Sent: Monday, January 30, 2017 4:07 PM  
To: Pendleton, Gracie  
Subject: RE: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

Gracie,

## Ex. 5 - Deliberative Process

Thank you,  
Debbie

-----Original Message-----

From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]  
Sent: Wednesday, January 25, 2017 10:51 AM  
To: KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE <deborah.klein.2@us.af.mil>  
Subject: RE: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

Thank you for the update Debbie.

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE [mailto:deborah.klein.2@us.af.mil]  
Sent: Wednesday, January 25, 2017 1:44 PM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

Good morning,  
I received the proposed settlement. **Ex. 5 - Deliberative Process**  
I'll be in touch if I have any concerns in the meantime. I should be able to go over the proposal in detail this afternoon.  
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Debbie

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From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]  
Sent: Tuesday, January 24, 2017 10:18 AM  
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Cc: Garvey, Melanie <Garvey.Melanie@epa.gov>  
Subject: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

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Debbie,

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## Ex. 5 - Deliberative Process

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Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
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Message

**From:** KLEIN, DEBORAH A Maj USAF AMC AFLOA/AFLOA/JACE [deborah.klein.2@us.af.mil]  
**Sent:** 1/30/2017 9:07:06 PM  
**To:** Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Subject:** RE: Proposed Consent Agreement and Final Order regarding Eielson Air Force Base

Gracie,

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Tel: 202-564-2588

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Cell: 202-570-9276  
Fax: 202-501-0069

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Message

---

**From:** Williams, Molly [williams.molly@epa.gov]  
**Sent:** 6/5/2017 4:50:54 PM  
**To:** Russell, Heather [Russell.Heather@epa.gov]; Vargas, Maria A CIV NAVFAC Washington [maria.vargas@navy.mil]; Banks-Saunders, Jina CIV NAVFAC Washington [jina.bankssaunders@navy.mil]  
**CC:** Nguyen, Quang D CIV NAVFAC Washington [quang.d.nguyen@navy.mil]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Subject:** RE: Funding for EPA Violations--Washington Navy Yard

Our Ex. 6 - Personal Privacy - you need your DFAS office to send these funds to us via IPAC...

Molly

Molly Williams, Supervisor  
Reimbursable Branch  
US EPA/OCFO/OC/CFC/RB  
26 W MLK Drive, MS-002  
Cincinnati, OH 45268  
513-487-2076  
513-487-2063 (fax)

-----Original Message-----

From: Russell, Heather  
Sent: Monday, June 05, 2017 12:12 PM  
To: Vargas, Maria A CIV NAVFAC Washington <maria.vargas@navy.mil>; Banks-Saunders, Jina CIV NAVFAC Washington <jina.bankssaunders@navy.mil>  
Cc: Williams, Molly <williams.molly@epa.gov>; Nguyen, Quang D CIV NAVFAC Washington <quang.d.nguyen@navy.mil>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: FW: Funding for EPA Violations--Washington Navy Yard

I am re-sending the MIPR I sent April 24th in case you need it. If you need our IPAC information, please contact Craig Steffen at (513)487-2091 and he will be able to provide that information. I am not sure what else you need to process the payment but if we can do anything on our end, please let us know. Thanks!

Heather

-----Original Message-----

From: Russell, Heather  
Sent: Monday, April 24, 2017 10:09 AM  
To: 'Banks-Saunders, Jina CIV NAVFAC Washington' <jina.bankssaunders@navy.mil>  
Subject: RE: Funding for EPA Violations

Sure, please see attached and let me know if I missed anything...

Heather

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington [mailto:jina.bankssaunders@navy.mil]  
Sent: Friday, April 21, 2017 4:15 PM  
To: Willett, Carin L CIV NAVFAC, Washington <carin.willett@navy.mil>; Russell, Heather <Russell.Heather@epa.gov>  
Cc: Rodriguez, Angelica CIV NAVFAC Washington <angelica.rodriguez@navy.mil>; Scott, Karon H CIV NAVFAC Washington <karon.scott@navy.mil>  
Subject: RE: Funding for EPA Violations

Ms. Russell,

Based on the below information can you please forward a copy of the acceptance for the document received?

Thanks in advance.

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624

Email: Jina.BanksSaunders@Navy.Mil

-----Original Message-----

From: Willett, Carin L CIV NAVFAC, Washington  
Sent: Friday, April 21, 2017 10:16 AM  
To: Russell, Heather (Russell.Heather@epa.gov)  
Cc: Banks-Saunders, Jina CIV NAVFAC Washington; Rodriguez, Angelica CIV NAVFAC Washington; Scott, Karon H CIV NAVFAC Washington  
Subject: FW: Funding for EPA Violations

Heather,

**Ex. 5 - Deliberative Process**

Thank you and have a good weekend.

Carin Willett  
NAVFAC Washington  
Management Analyst  
202-685-3286  
202-768-0015 (cell)

-----Original Message-----

From: Vargas, Maria A CIV NAVFAC Washington  
Sent: Friday, April 21, 2017 10:13 AM  
To: Banks-Saunders, Jina CIV NAVFAC Washington; Willett, Carin L CIV NAVFAC, Washington; Williams, Robert L CIV NAVFAC Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington; Wright, Malgorzata E CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Ms. Carin, Ms. Saunders,

**Ex. 5 - Deliberative Process**

Thanks,  
mav

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington  
Sent: Friday, April 21, 2017 10:05 AM  
To: Willett, Carin L CIV NAVFAC, Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington; Vargas, Maria A CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Carin,

Thanks for the update! I will follow up with you next week.

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: Jina.BanksSaunders@Navy.Mil

-----Original Message-----

From: Willett, Carin L CIV NAVFAC, Washington  
Sent: Friday, April 21, 2017 8:44 AM  
To: Banks-Saunders, Jina CIV NAVFAC Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Jina,

**Ex. 5 - Deliberative Process**

I will have to discuss this with Chris when he returns next week. Thanks

Carin Willett  
NAVFAC Washington  
Management Analyst

ED\_001395\_00008419-00002

202-685-3286  
202-768-0015 (cell)

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington  
Sent: Thursday, April 20, 2017 3:36 PM  
To: Willett, Carin L CIV NAVFAC, Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington  
Subject: FW: Funding for EPA Violations  
Importance: High

Ms. Willett,

Please see below.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Please advise.

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: Jina.BanksSaunders@Navy.Mil

-----Original Message-----

From: Russell, Heather [mailto:Russell.Heather@epa.gov]  
Sent: Thursday, April 20, 2017 2:36 PM  
To: Banks-Saunders, Jina CIV NAVFAC Washington  
Subject: [Non-DoD Source] RE: Funding for EPA Violations

Hi Jina,

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

. Let me know if you have any questions.

Thanks!

Heather

Heather Russell  
U.S. Environmental Protection Agency  
Office of the Controller  
Non-Superfund, R3/R4/R7/R10  
Phone: 513-487-2044  
Fax: 513-487-2063  
Russell.Heather@epa.gov

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington [mailto:jina.bankssaunders@navy.mil]  
Sent: Thursday, April 20, 2017 12:49 PM  
To: Willett, Carin L CIV NAVFAC, Washington <carin.willett@navy.mil>; Vargas, Maria A CIV NAVFAC Washington <maria.vargas@navy.mil>; Russell, Heather <Russell.Heather@epa.gov>  
Cc: Yarber, Daron J CIV NAVFAC Washington, FM34 <daron.yarber@navy.mil>; Scott, Karon H CIV NAVFAC Washington <karon.scott@navy.mil>  
Subject: Funding for EPA Violations

Ms. Russell,

Attached please find funding for EPA Violations at the WNY.

Please forward a copy of the acceptance within 5 days of receipt to  
NAVFAC\_Wash\_NWCF\_Funding\_Document\_Requests@navy.mil.

Thanks!

v/R,

Jina Saunders

ED\_001395\_00008419-00003

NAVFAC FM

V: 202-685-9624

Message

**From:** Russell, Heather [Russell.Heather@epa.gov]  
**Sent:** 6/5/2017 4:11:54 PM  
**To:** Vargas, Maria A CIV NAVFAC Washington [maria.vargas@navy.mil]; Banks-Saunders, Jina CIV NAVFAC Washington [jina.bankssaunders@navy.mil]  
**CC:** Williams, Molly [williams.molly@epa.gov]; Nguyen, Quang D CIV NAVFAC Washington [quang.d.nguyen@navy.mil]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Subject:** FW: Funding for EPA Violations--Washington Navy Yard  
**Attachments:** MIPR.pdf

I am re-sending the MIPR I sent April 24th in case you need it. If you need our IPAC information, please contact Craig Steffen at (513)487-2091 and he will be able to provide that information. I am not sure what else you need to process the payment but if we can do anything on our end, please let us know. Thanks!

Heather

-----Original Message-----

From: Russell, Heather  
Sent: Monday, April 24, 2017 10:09 AM  
To: 'Banks-Saunders, Jina CIV NAVFAC Washington' <jina.bankssaunders@navy.mil>  
Subject: RE: Funding for EPA Violations

Sure, please see attached and let me know if I missed anything...

Heather

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington [mailto:jina.bankssaunders@navy.mil]  
Sent: Friday, April 21, 2017 4:15 PM  
To: Willett, Carin L CIV NAVFAC, Washington <carin.willett@navy.mil>; Russell, Heather <Russell.Heather@epa.gov>  
Cc: Rodriguez, Angelica CIV NAVFAC Washington <angelica.rodriguez@navy.mil>; Scott, Karon H CIV NAVFAC Washington <karon.scott@navy.mil>  
Subject: RE: Funding for EPA Violations

Ms. Russell,

Based on the below information can you please forward a copy of the acceptance for the document received?

Thanks in advance.

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: Jina.BanksSaunders@Navy.Mil

-----Original Message-----

From: Willett, Carin L CIV NAVFAC, Washington  
Sent: Friday, April 21, 2017 10:16 AM  
To: Russell, Heather (Russell.Heather@epa.gov)  
Cc: Banks-Saunders, Jina CIV NAVFAC Washington; Rodriguez, Angelica CIV NAVFAC Washington; Scott, Karon H CIV NAVFAC Washington  
Subject: FW: Funding for EPA Violations

Heather,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thank you and have a good weekend.

Carin Willett  
NAVFAC Washington  
Management Analyst  
202-685-3286  
202-768-0015 (cell)

ED\_001395\_00008420-00001

-----Original Message-----

From: Vargas, Maria A CIV NAVFAC Washington  
Sent: Friday, April 21, 2017 10:13 AM  
To: Banks-Saunders, Jina CIV NAVFAC Washington; Willett, Carin L CIV NAVFAC, Washington; Williams, Robert L CIV NAVFAC Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington; Wright, Malgorzata E CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Ms. Carin, Ms. Saunders,

## Ex. 5 - Deliberative Process

Thanks,  
mav

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington  
Sent: Friday, April 21, 2017 10:05 AM  
To: Willett, Carin L CIV NAVFAC, Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington; Vargas, Maria A CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Carin,

Thanks for the update! I will follow up with you next week.

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: Jina.BanksSaunders@Navy.Mil

-----Original Message-----

From: Willett, Carin L CIV NAVFAC, Washington  
Sent: Friday, April 21, 2017 8:44 AM  
To: Banks-Saunders, Jina CIV NAVFAC Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Jina,

## Ex. 5 - Deliberative Process

I will have to discuss this with Chris when he returns next week. Thanks

Carin Willett  
NAVFAC Washington  
Management Analyst  
202-685-3286  
202-768-0015 (cell)

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington  
Sent: Thursday, April 20, 2017 3:36 PM  
To: Willett, Carin L CIV NAVFAC, Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington  
Subject: FW: Funding for EPA Violations  
Importance: High

Ms. Willett,

Please see below.

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Please advise.

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: Jina.BanksSaunders@Navy.Mil

-----Original Message-----

From: Russell, Heather [mailto:Russell.Heather@epa.gov]  
Sent: Thursday, April 20, 2017 2:36 PM  
To: Banks-Saunders, Jina CIV NAVFAC Washington  
Subject: [Non-DoD Source] RE: Funding for EPA Violations

Hi Jina,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks!

Heather

Heather Russell  
U.S. Environmental Protection Agency  
Office of the Controller  
Non-Superfund, R3/R4/R7/R10  
Phone: 513-487-2044  
Fax: 513-487-2063  
Russell.Heather@epa.gov

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington [mailto:jina.bankssaunders@navy.mil]  
Sent: Thursday, April 20, 2017 12:49 PM  
To: Willett, Carin L CIV NAVFAC, Washington <carin.willett@navy.mil>; Vargas, Maria A CIV NAVFAC Washington <maria.vargas@navy.mil>; Russell, Heather <Russell.Heather@epa.gov>  
Cc: Yarber, Daron J CIV NAVFAC Washington, FM34 <daron.yarber@navy.mil>; Scott, Karon H CIV NAVFAC Washington <karon.scott@navy.mil>  
Subject: Funding for EPA Violations

Ms. Russell,

Attached please find funding for EPA Violations at the WNY.

Please forward a copy of the acceptance within 5 days of receipt to  
NAVFAC\_Wash\_NWCF\_Funding\_Document\_Requests@navy.mil.

Thanks!

v/R,

Jina Saunders  
NAVFAC FM

V: 202-685-9624

Message

---

**From:** Meece, Debby A [DEBBY.MEECE@va.gov]  
**Sent:** 6/8/2017 10:02:58 PM  
**To:** Azad, Ava [Azad.Ava@epa.gov]  
**CC:** Scott, Margie [Ex. 6 - Personal Privacy]@va.gov]; DeGrandi, Michelle [Michelle.DeGrandi@va.gov]; Sipes, Gayle [Ex. 6 - Personal Privacy]@va.gov]; Johnson, Joyce-R6 [johnson.joyce-r6@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]; Freyre, Dominique [Freyre.Dominique@epa.gov]  
**Subject:** RE: [EXTERNAL] RE: Central Arkansas Veterans Healthcare System: Potential RCRA violations identified by EPA

Ms. Azad,

## Ex. 5 and Ex. 7(a) - DPP and Enforcement

We appreciate your efforts and collaboration in addressing the violations identified.

Respectfully,

Debby

---

**From:** Azad, Ava [mailto:Azad.Ava@epa.gov]  
**Sent:** Thursday, June 08, 2017 1:54 PM  
**To:** Meece, Debby A [Ex. 6 - Personal Privacy]@va.gov>  
**Cc:** Scott, Margie [Ex. 6 - Personal Privacy]@va.gov]; DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Sipes, Gayle [Ex. 6 - Personal Privacy]@va.gov>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>  
**Subject:** [EXTERNAL] RE: Central Arkansas Veterans Healthcare System: Potential RCRA violations identified by EPA

SETTLEMENT CONFIDENTIAL COMMUNICATION

Dear Ms. Meece,

## Ex. 5 and Ex. 7(a) - DPP and Enforcement

Thank you.

Ava Azad

Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
P: (202) 564-4473  
F: (202) 501-0069

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---

**From:** Potts, Mark  
**Sent:** Tuesday, May 30, 2017 4:37 PM  
**To:** Meece, Debby A <[Ex. 6 - Personal Privacy]@va.gov>  
**Cc:** Scott, Margie <[Ex. 6 - Personal Privacy]@va.gov>; DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Sipes, Gayle <[Ex. 6 - Personal Privacy]@va.gov>; Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>  
**Subject:** RE: Central Arkansas Veterans Healthcare System: Potential RCRA violations identified by EPA

Thank you. We will review and get back to you.

---

**From:** Meece, Debby A [mailto:[Ex. 6 - Personal Privacy]@va.gov]  
**Sent:** Tuesday, May 30, 2017 1:50 PM  
**To:** Potts, Mark <Potts.Mark@epa.gov>  
**Cc:** Meece, Debby A <[Ex. 6 - Personal Privacy]@va.gov>; Scott, Margie <[Ex. 6 - Personal Privacy]@va.gov>; DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Sipes, Gayle <[Ex. 6 - Personal Privacy]@va.gov>  
**Subject:** Central Arkansas Veterans Healthcare System: Potential RCRA violations identified by EPA

Mr. Potts,

Central Arkansas Veterans Healthcare System appreciates this opportunity to further respond in writing to the potential RCRA violations identified by EPA.

We appreciate your consideration of the attached information and look forward to your response.

Thank you,  
Debby

Debby Meece  
Executive Assistant to the Medical Center Director  
Central Arkansas Veterans Healthcare System  
4300 West 7th Street  
Little Rock, AR 72205  
[Ex. 6 - Personal Privacy]  
But What About The Patient

Message

**From:** Russell, Heather [Russell.Heather@epa.gov]  
**Sent:** 5/24/2017 4:22:00 PM  
**To:** Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Subject:** RCRA/CAA-03-2017-0005, portion of penalty unpaid  
**Attachments:** FW\_ Funding for EPA Violations.pdf

Hi Gracie,

# Ex. 5 - DPP and ACP

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington [mailto:jina.bankssaunders@navy.mil]  
Sent: Wednesday, May 10, 2017 4:20 PM  
To: Russell, Heather <Russell.Heather@epa.gov>; Rodriguez, Angelica CIV NAVFAC Washington <angelica.rodriguez@navy.mil>  
Subject: RE: Funding for EPA Violations

Heather,

Please see attached correspondence.

Angelica,

Ex. 5 - Deliberative Process

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: Jina.BanksSaunders@Navy.Mil

-----Original Message-----

From: Russell, Heather [mailto:Russell.Heather@epa.gov]  
Sent: Wednesday, May 10, 2017 2:52 PM  
To: Banks-Saunders, Jina CIV NAVFAC Washington  
Subject: [Non-DoD Source] RE: Funding for EPA Violations

Hi Jina,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks!

Heather Russell  
U.S. Environmental Protection Agency  
Office of the Controller  
Non-Superfund, R3/R4/R7/R10  
Phone: 513-487-2044  
Fax: 513-487-2063  
Russell.Heather@epa.gov

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington [mailto:jina.bankssaunders@navy.mil]  
Sent: Friday, April 21, 2017 4:15 PM  
To: Willett, Carin L CIV NAVFAC, Washington <carin.willett@navy.mil>; Russell, Heather  
<Russell.Heather@epa.gov>  
Cc: Rodriguez, Angelica CIV NAVFAC Washington <angelica.rodriguez@navy.mil>; Scott, Karon H CIV NAVFAC  
Washington <karon.scott@navy.mil>  
Subject: RE: Funding for EPA Violations

Ms. Russell,

Based on the below information can you please forward a copy of the acceptance for the document received?

Thanks in advance.

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: Jina.BanksSaunders@Navy.Mil

-----Original Message-----

From: Willett, Carin L CIV NAVFAC, Washington  
Sent: Friday, April 21, 2017 10:16 AM  
To: Russell, Heather (Russell.Heather@epa.gov)  
Cc: Banks-Saunders, Jina CIV NAVFAC Washington; Rodriguez, Angelica CIV NAVFAC Washington; Scott, Karon H  
CIV NAVFAC Washington  
Subject: FW: Funding for EPA Violations

Heather,

**Ex. 5 - Deliberative Process**

Thank you and have a good weekend.

Carin Willett  
NAVFAC Washington  
Management Analyst  
202-685-3286  
202-768-0015 (cell)

-----Original Message-----

From: Vargas, Maria A CIV NAVFAC Washington  
Sent: Friday, April 21, 2017 10:13 AM  
To: Banks-Saunders, Jina CIV NAVFAC Washington; Willett, Carin L CIV NAVFAC, Washington; Williams, Robert  
L CIV NAVFAC Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell,  
Heather; Scott, Karon H CIV NAVFAC Washington; Wright, Malgorzata E CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Ms. Carin, Ms. Saunders,

**Ex. 5 - Deliberative Process**

Thanks,  
mav

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington  
Sent: Friday, April 21, 2017 10:05 AM  
To: Willett, Carin L CIV NAVFAC, Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell,  
Heather; Scott, Karon H CIV NAVFAC Washington; Vargas, Maria A CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Carin,

Thanks for the update! I will follow up with you next week.

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: Jina.BanksSaunders@Navy.Mil

-----Original Message-----

From: Willett, Carin L CIV NAVFAC, Washington  
Sent: Friday, April 21, 2017 8:44 AM  
To: Banks-Saunders, Jina CIV NAVFAC Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Jina,

**Ex. 5 - Deliberative Process**

I will have to discuss this with Chris when he returns next week. Thanks

Carin Willett  
NAVFAC Washington  
Management Analyst  
202-685-3286  
202-768-0015 (cell)

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington  
Sent: Thursday, April 20, 2017 3:36 PM  
To: Willett, Carin L CIV NAVFAC, Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington  
Subject: FW: Funding for EPA Violations  
Importance: High

Ms. Willett,

Please see below.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Please advise.

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: Jina.BanksSaunders@Navy.Mil

-----Original Message-----

From: Russell, Heather [mailto:Russell.Heather@epa.gov]  
Sent: Thursday, April 20, 2017 2:36 PM  
To: Banks-Saunders, Jina CIV NAVFAC Washington  
Subject: [Non-DoD Source] RE: Funding for EPA Violations

Hi Jina,

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Let me know if you have any questions.

Thanks!

Heather

Heather Russell  
U.S. Environmental Protection Agency  
Office of the Controller  
Non-Superfund, R3/R4/R7/R10

ED\_001395\_00008444-00003

Phone: 513-487-2044  
Fax: 513-487-2063  
Russell.Heather@epa.gov

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington [mailto:jina.bankssaunders@navy.mil]  
Sent: Thursday, April 20, 2017 12:49 PM  
To: Willett, Carin L CIV NAVFAC, Washington <carin.willett@navy.mil>; Vargas, Maria A CIV NAVFAC Washington <maria.vargas@navy.mil>; Russell, Heather <Russell.Heather@epa.gov>  
Cc: Yarber, Daron J CIV NAVFAC Washington, FM34 <daron.yarber@navy.mil>; Scott, Karon H CIV NAVFAC Washington <karon.scott@navy.mil>  
Subject: Funding for EPA Violations

Ms. Russell,

Attached please find funding for EPA Violations at the WNY.

Please forward a copy of the acceptance within 5 days of receipt to  
NAVFAC\_Wash\_NWCF\_Funding\_Document\_Requests@navy.mil.

Thanks!

v/R,

Jina Saunders  
NAVFAC FM

V: 202-685-9624

**From:** Rodriguez, Angelica CIV NAVFAC Washington  
**To:** Vargas, Maria A CIV NAVFAC Washington  
**Cc:** Scott, Karon H CIV NAVFAC Washington; Willett, Carin L CIV NAVFAC, Washington; Banks-Saunders, Jina CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Williams, Robert L CIV NAVFAC Washington  
**Subject:** FW: Funding for EPA Violations  
**Date:** Monday, May 08, 2017 12:49:59

---

Good afternoon,

## Ex. 5 - Deliberative Process

V/r,  
Angelica Rodriguez  
Financial Management  
NAVFAC Washington  
1314 Harwood St SE  
Washington, DC 20374  
Tel: 202-685-9621  
Email: angelica.rodriguez@navy.mil

-----Original Message-----

From: Wright, Malgorzata E CIV NAVFAC Washington  
Sent: Monday, May 08, 2017 7:30 AM  
To: Rodriguez, Angelica CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Angelica,

## Ex. 5 - Deliberative Process

Thanks for your help.

Margaret

-----Original Message-----

From: Rodriguez, Angelica CIV NAVFAC Washington  
Sent: Friday, May 05, 2017 11:47 AM  
To: Wright, Malgorzata E CIV NAVFAC Washington  
Subject: FW: Funding for EPA Violations

Margaret,

## Ex. 5 - Deliberative Process

V/r,  
Angelica Rodriguez

Financial Management  
NAVFAC Washington  
1314 Harwood St SE  
Washington, DC 20374  
Tel: 202-685-9621  
Email: angelica.rodriguez@navy.mil

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington  
Sent: Friday, May 05, 2017 11:41 AM  
To: Rodriguez, Angelica CIV NAVFAC Washington; Scott, Karon H CIV NAVFAC Washington  
Subject: FW: Funding for EPA Violations

Angelica,

## **Ex. 5 - Deliberative Process**

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: Jina.BanksSaunders@Navy.Mil

-----Original Message-----

From: Vargas, Maria A CIV NAVFAC Washington  
Sent: Thursday, May 04, 2017 8:10 AM  
To: Rodriguez, Angelica CIV NAVFAC Washington; Banks-Saunders, Jina CIV NAVFAC Washington  
Cc: Scott, Karon H CIV NAVFAC Washington; Willett, Carin L CIV NAVFAC, Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Williams, Robert L CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Good Morning Ms. Rodriguez,

## **Ex. 5 - Deliberative Process**

Thank you very much,  
mav

-----Original Message-----

From: Vargas, Maria A CIV NAVFAC Washington  
Sent: Friday, April 21, 2017 7:53 AM  
To: Rodriguez, Angelica CIV NAVFAC Washington; Banks-Saunders, Jina CIV NAVFAC Washington  
Cc: Scott, Karon H CIV NAVFAC Washington; Willett, Carin L CIV NAVFAC, Washington; Yarber, Daron J CIV NAVFAC Washington, FM34  
Subject: RE: Funding for EPA Violations

Ms. Rodriguez,

Thank you. That's what I needed to know. Please keep me posted on EPA's acceptance of the funding in paying the EPA violation.

r/mav

-----Original Message-----

From: Rodriguez, Angelica CIV NAVFAC Washington  
Sent: Thursday, April 20, 2017 3:25 PM  
To: Banks-Saunders, Jina CIV NAVFAC Washington; Vargas, Maria A CIV NAVFAC Washington  
Cc: Scott, Karon H CIV NAVFAC Washington; Willett, Carin L CIV NAVFAC, Washington; Yarber, Daron J CIV NAVFAC Washington, FM34  
Subject: RE: Funding for EPA Violations

Ms. Vargas,

I called the Customer Service contact listed below Molly William at 513-487-2076 to see who we need to send the MIPR to for the IPAC payment option and the person that returned my call was Ms. Russell.

V/r,  
Angelica Rodriguez  
Financial Management  
NAVFAC Washington  
1314 Harwood St SE  
Washington, DC 20374  
Tel: 202-685-9621  
Email: angelica.rodriguez@navy.mil

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington  
Sent: Thursday, April 20, 2017 3:06 PM  
To: Vargas, Maria A CIV NAVFAC Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Scott, Karon H CIV NAVFAC Washington; Willett, Carin L CIV NAVFAC, Washington; Yarber, Daron J CIV NAVFAC Washington, FM34  
Subject: RE: Funding for EPA Violations

Ms. Vargas,

Our office received a request for funding (a mipr) to be sent to EPA for the WNY violations.

Ms. Heather Russell was the EPA poc.

Thanks!

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: Jina.BanksSaunders@Navy.Mil

-----Original Message-----

From: Vargas, Maria A CIV NAVFAC Washington  
Sent: Thursday, April 20, 2017 2:03 PM  
To: Banks-Saunders, Jina CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Hello Ms. Saunders,

I just left you a voicemail

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Thank you. -mav

PAYMENT:

Payment must reference Washington Navy Yard; Address: 1411 Parsons Avenue SE, Washington DC 20374;---  
>\*\*\*\*\*Docket Number (Docket No. RCRA/CAA-03-2017-0005)\*\*\*\*\*.

I will need copies of any corresponding check or written notification confirming any electronic wire transfer at the time payment is made to notify EPA.

-On-line payment option

WWW. PAY.GOV; Enter sfo 1.1 in the search field and complete all required fields in the form

-Intra Governmental Payment and Collection application IPAC;  
Customer Service contact is Molly William at 513-487-2076.

**Ex. 6 - Personal Privacy**

-Check and sent by regular mail shall be address and mailed to:

U.S Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

-Check and Overnight Delivery Service shall be addressed and sent to:

U.S. Bank  
Government Lockbox 979077  
USEPA, Fines & Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St.Louis, MO 63101

-Electronic wire Transfer payments shall be directed to:

Federal Reserve Bank of New York  
ABA=021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington  
Sent: Thursday, April 20, 2017 12:49 PM

To: Willett, Carin L CIV NAVFAC, Washington; Vargas, Maria A CIV NAVFAC Washington; Russell, Heather  
Cc: Yarber, Daron J CIV NAVFAC Washington, FM34; Scott, Karon H CIV NAVFAC Washington  
Subject: Funding for EPA Violations

Ms. Russell,

Attached please find funding for EPA Violations at the WNY.

Please forward a copy of the acceptance within 5 days of receipt to  
NAVFAC\_Wash\_NWCF\_Funding\_Document\_Requests@navy.mil.

Thanks!

v/R,

Jina Saunders  
NAVFAC FM

V: 202-685-9624

Message

---

**From:** Scott, Margie [MARGIE.SCOTT@va.gov]  
**Sent:** 3/31/2017 9:12:41 PM  
**To:** Azad, Ava [Azad.Ava@epa.gov]; DeGrandi, Michelle [Michelle.DeGrandi@va.gov]  
**CC:** Johnson, Joyce-R6 [johnson.joyce-r6@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]; Freyre, Dominique [Freyre.Dominique@epa.gov]; Green, Brian C. [Ex. 6 - Personal Privacy@va.gov]; Meece, Debby A [Ex. 6 - Personal Privacy@va.gov]; Furr, Amanda L [Ex. 6 - Personal Privacy@va.gov]; Ekeh, Cyril O. [Ex. 6 - Personal Privacy@va.gov]  
**Subject:** RE: VA Little Rock - Draft CAFO and Next Steps - Settlement Confidential Communication

We have received the document and are reviewing with our VA Attorney. We will get back to you as soon as possible. At this point, I do not have any questions, but the entire group has not yet completed reviews. Thank you for your patience. Dr. Scott

---

**From:** Azad, Ava [mailto:Azad.Ava@epa.gov]  
**Sent:** Thursday, March 23, 2017 4:50 PM  
**To:** Scott, Margie <[Ex. 6 - Personal Privacy@va.gov]>; DeGrandi, Michelle <Michelle.DeGrandi@va.gov>; Green, Brian C. <[Ex. 6 - Personal Privacy@va.gov]>  
**Cc:** Johnson, Joyce-R6 <johnson.joyce-r6@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>  
**Subject:** [EXTERNAL] VA Little Rock - Draft CAFO and Next Steps - Settlement Confidential Communication

SETTLEMENT CONFIDENTIAL COMMUNICATION—FOR SETTLEMENT PURPOSES ONLY

Dear Dr. Scott, Ms. DeGrandi, and Mr. Green,

## Ex. 5 and Ex. 7(a) - DPP and Enforcement

Please let me know if you have any questions or comments on the draft CAFO.

Gracie, Joyce, and I look forward to working with you to successfully resolve this matter.

Sincerely,  
Ava Azad

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
Washington, D.C. 20460  
P: (202) 564-4473  
F: (202) 501-0069

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Message

**From:** Pendleton, Gracie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A680198D56664CA893F70E7F33B30055-PENDELTON, GRACIE]  
**Sent:** 7/12/2017 3:25:44 PM  
**To:** Gardner, Allison [Gardner.Allison@epa.gov]; Jimenez, Jose [JIMENEZ.JOSE@EPA.GOV]  
**Subject:** RE: Washington Navy Yard Penalty Payment

Allison -

## Ex. 5 - DPP and ACP

Thanks!

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Gardner, Allison  
Sent: Wednesday, July 12, 2017 10:53 AM  
To: Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks, Gracie.

## Ex. 5 - DPP and ACP

### Ex. 5 - DPP and ACP

Thanks.

Allison

-----Original Message-----

From: Jimenez, Jose  
Sent: Wednesday, July 12, 2017 10:42 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

That will be great!!

-----Original Message-----

From: Pendleton, Gracie  
Sent: Wednesday, July 12, 2017 10:34 AM  
To: Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>; Gardner, Allison <Gardner.Allison@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Would you like me on that call? I haven't been joining in since you guys won't give me any more work.  
:(

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Jimenez, Jose  
Sent: Wednesday, July 12, 2017 10:27 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks for alerting us on this. We will discuss this issue in our next docket.

-----Original Message-----

From: Pendleton, Gracie  
Sent: Wednesday, July 12, 2017 10:13 AM  
To: Gardner, Allison <Gardner.Allison@epa.gov>  
Cc: Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>  
Subject: FW: Washington Navy Yard Penalty Payment

Allison -

# Ex. 5 - DPP and ACP

Thanks!

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather  
Sent: Wednesday, July 12, 2017 9:00 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Craig double checked for me and we do not have anything here...let me know if we can do anything on our end to get this one closed out. Thanks!

Heather

-----Original Message-----

From: Pendleton, Gracie  
Sent: Tuesday, July 11, 2017 3:38 PM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Cc: Steffen, Craig <steffen.craig@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Heather. I'll wait to hear back from Craig before I raise this to my management. I think we've done what we can on our end.

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather  
Sent: Tuesday, July 11, 2017 12:18 PM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Cc: Steffen, Craig <steffen.craig@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,  
We have not received this payment that I can find, I have cc'd Craig from our collections group that handles our IPAC payments just in case I missed something. I have sent back to them what they requested a long while back (MIPR) so not sure what the holdup is on their end...

-----Original Message-----

From: Pendleton, Gracie  
Sent: Tuesday, July 11, 2017 11:34 AM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Heather -

I just wanted to make sure this was resolved and EPA received payment. Can you let me know please?

Thanks!

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Pendleton, Gracie  
Sent: Thursday, June 15, 2017 9:30 AM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather  
Sent: Thursday, June 15, 2017 9:28 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Gracie- I will be out of the office tomorrow and all of next week so below is our collection officers information and he will be the one that can provide IPAC information ( I assume that is how they will be sending the payment since that is what they have done in the past):

Craig Steffen  
(513)487-2091 (phone)  
(513)487-2063 (fax)  
steffen.craig@epa.gov

Heather

-----Original Message-----

From: Pendleton, Gracie  
Sent: Thursday, June 15, 2017 9:09 AM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Fedinatz, Kimberly G CIV NAVFAC Washington [mailto:kimberly.fedinatz@navy.mil]  
Sent: Thursday, June 15, 2017 8:28 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,  
In April Navy sent the \$15k to DFAS (DoD financial agency...I think it processes pay for EPA too) sent a funding document to EPA in April, EPA accepted it, and there is a misunderstanding/miscommunication about how to actually move the money between the two. We are working on connecting all the financial parties. I have no idea how this is so hard, since this is not the first time DFAS has ever paid EPA!

~Kimi

-----Original Message-----

From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]  
Sent: Tuesday, May 30, 2017 11:31 AM  
To: Fedinatz, Kimberly G CIV NAVFAC Washington  
Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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---

From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>  
Sent: Monday, May 29, 2017 12:13 PM  
To: Pendleton, Gracie

ED\_001395\_00008521-00004

Subject: RE: Washington Navy Yard Penalty Payment

Gracie,  
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.  
V/r,  
Kimi

-----Original Message-----

From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]  
Sent: Wednesday, May 24, 2017 3:55 PM  
To: Fedinatz, Kimberly G CIV NAVFAC Washington  
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

Thanks!

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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Message

---

**From:** Pendleton, Gracie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A680198D56664CA893F70E7F33B30055-PENDELTON, GRACIE]  
**Sent:** 7/12/2017 2:43:24 PM  
**To:** Jimenez, Jose [JIMENEZ.JOSE@EPA.GOV]; Gardner, Allison [Gardner.Allison@epa.gov]  
**Subject:** RE: Washington Navy Yard Penalty Payment

Will do!

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Jimenez, Jose  
Sent: Wednesday, July 12, 2017 10:42 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

That will be great!!

-----Original Message-----

From: Pendleton, Gracie  
Sent: Wednesday, July 12, 2017 10:34 AM  
To: Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>; Gardner, Allison <Gardner.Allison@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Would you like me on that call? I haven't been joining in since you guys won't give me any more work.  
:(

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Jimenez, Jose  
Sent: Wednesday, July 12, 2017 10:27 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks for alerting us on this. We will discuss this issue in our next docket.

-----Original Message-----

From: Pendleton, Gracie  
Sent: Wednesday, July 12, 2017 10:13 AM  
To: Gardner, Allison <Gardner.Allison@epa.gov>  
Cc: Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>  
Subject: FW: Washington Navy Yard Penalty Payment

Allison -

**Ex. 5 - DPP and ACP**

## Ex. 5 - DPP and ACP

Please let me know how you'd like to proceed.

Thanks!

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather  
Sent: Wednesday, July 12, 2017 9:00 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Craig double checked for me and we do not have anything here...let me know if we can do anything on our end to get this one closed out. Thanks!

Heather

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From: Pendleton, Gracie  
Sent: Tuesday, July 11, 2017 3:38 PM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Cc: Steffen, Craig <steffen.craig@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Heather. I'll wait to hear back from Craig before I raise this to my management. I think we've done what we can on our end.

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Cc: Steffen, Craig <steffen.craig@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,  
We have not received this payment that I can find, I have cc'd Craig from our collections group that handles our IPAC payments just in case I missed something. I have sent back to them what they requested a long while back (MIPR) so not sure what the holdup is on their end...

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Subject: RE: Washington Navy Yard Penalty Payment

Heather -

I just wanted to make sure this was resolved and EPA received payment. Can you let me know please?

Thanks!

Gracie Pendleton  
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From: Pendleton, Gracie  
Sent: Thursday, June 15, 2017 9:30 AM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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From: Russell, Heather  
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To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Gracie- I will be out of the office tomorrow and all of next week so below is our collection officers information and he will be the one that can provide IPAC information ( I assume that is how they will be sending the payment since that is what they have done in the past):

Craig Steffen  
(513)487-2091 (phone)  
(513)487-2063 (fax)  
steffen.craig@epa.gov

Heather

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From: Pendleton, Gracie  
Sent: Thursday, June 15, 2017 9:09 AM  
To: Russell, Heather <Russell.Heather@epa.gov>  
Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

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Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Fedinatz, Kimberly G CIV NAVFAC Washington [mailto:kimberly.fedinatz@navy.mil]  
Sent: Thursday, June 15, 2017 8:28 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,  
In April Navy sent the \$15k to DFAS (DoD financial agency...I think it processes pay for EPA too) sent a funding document to EPA in April, EPA accepted it, and there is a misunderstanding/miscommunication about how to actually move the money between the two. We are working on connecting all the financial parties. I have no idea how this is so hard, since this is not the first time DFAS has ever paid EPA!

~Kimi

-----Original Message-----

From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]  
Sent: Tuesday, May 30, 2017 11:31 AM  
To: Fedinatz, Kimberly G CIV NAVFAC Washington  
Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>  
Sent: Monday, May 29, 2017 12:13 PM  
To: Pendleton, Gracie  
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,  
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.  
V/r,  
Kimi

-----Original Message-----

From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]  
Sent: Wednesday, May 24, 2017 3:55 PM  
To: Fedinatz, Kimberly G CIV NAVFAC Washington  
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

Thanks!

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
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Message

---

**From:** Pendleton, Gracie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A680198D56664CA893F70E7F33B30055-PENDELTON, GRACIE]  
**Sent:** 7/12/2017 2:33:38 PM  
**To:** Jimenez, Jose [JIMENEZ.JOSE@EPA.GOV]; Gardner, Allison [Gardner.Allison@epa.gov]  
**Subject:** RE: Washington Navy Yard Penalty Payment

Would you like me on that call? I haven't been joining in since you guys won't give me any more work.  
:(

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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From: Jimenez, Jose  
Sent: Wednesday, July 12, 2017 10:27 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Thanks for alerting us on this. We will discuss this issue in our next docket.

-----Original Message-----

From: Pendleton, Gracie  
Sent: Wednesday, July 12, 2017 10:13 AM  
To: Gardner, Allison <Gardner.Allison@epa.gov>  
Cc: Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>  
Subject: FW: Washington Navy Yard Penalty Payment

Allison -

# Ex. 5 - DPP and ACP

Please let me know how you'd like to proceed.

Thanks!

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-----Original Message-----

From: Russell, Heather  
Sent: Wednesday, July 12, 2017 9:00 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Craig double checked for me and we do not have anything here...let me know if we can do anything on our end to get this one closed out. Thanks!

Heather

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From: Pendleton, Gracie  
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To: Russell, Heather <Russell.Heather@epa.gov>  
Cc: Steffen, Craig <steffen.craig@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

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Gracie,  
We have not received this payment that I can find, I have cc'd Craig from our collections group that handles our IPAC payments just in case I missed something. I have sent back to them what they requested a long while back (MIPR) so not sure what the holdup is on their end...

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From: Pendleton, Gracie  
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Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

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From: Russell, Heather  
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Subject: RE: Washington Navy Yard Penalty Payment

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FYI

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Gracie Pendleton  
Attorney-Advisor

US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
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Gracie,  
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.  
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**Sent:** 7/12/2017 2:13:14 PM  
**To:** Gardner, Allison [Gardner.Allison@epa.gov]  
**CC:** Jimenez, Jose [JIMENEZ.JOSE@EPA.GOV]  
**Subject:** FW: Washington Navy Yard Penalty Payment  
**Attachments:** RE: Washington Navy Yard Penalty Payment

Allison -

# Ex. 5 - DPP and ACP

Thanks!

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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FYI

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Attorney-Advisor  
Tel: 202-564-2588

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-----Original Message-----

From: Fedinatz, Kimberly G CIV NAVFAC Washington [mailto:kimberly.fedinatz@navy.mil]  
Sent: Thursday, June 15, 2017 8:28 AM  
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,  
In April Navy sent the \$15k to DFAS (DoD financial agency...I think it processes pay for EPA too) sent a funding document to EPA in April, EPA accepted it, and there is a misunderstanding/miscommunication about how to actually move the money between the two. We are working on connecting all the financial parties. I have no idea how this is so hard, since this is not the first time DFAS has ever paid EPA!

~Kimi

-----Original Message-----

From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]  
Sent: Tuesday, May 30, 2017 11:31 AM  
To: Fedinatz, Kimberly G CIV NAVFAC Washington  
Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>

ED\_001395\_00008524-00003

Sent: Monday, May 29, 2017 12:13 PM  
To: Pendleton, Gracie  
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,  
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.  
V/r,  
Kimi

-----Original Message-----

From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]  
Sent: Wednesday, May 24, 2017 3:55 PM  
To: Fedinatz, Kimberly G CIV NAVFAC Washington  
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

Thanks!

Gracie Pendleton  
Attorney-Advisor  
US Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Avenue, N.W.  
Room 2213C ARS: MC-2261A  
Washington, D.C. 20460  
Tel: 202-564-2588  
Cell: 202-570-9276  
Fax: 202-501-0069

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Message

---

**From:** Pendleton, Gracie [Pendleton.Gracie@epa.gov]  
**Sent:** 5/24/2017 4:23:47 PM  
**To:** Russell, Heather [Russell.Heather@epa.gov]  
**Subject:** Re: RCRA/CAA-03-2017-0005, portion of penalty unpaid

I will reach out and let you know what I find out Heather.

Thanks!

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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On May 24, 2017, at 12:22 PM, Russell, Heather <[Russell.Heather@epa.gov](mailto:Russell.Heather@epa.gov)> wrote:

Hi Gracie,

**Ex. 5 - DPP and ACP**

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington [<mailto:jina.bankssaunders@navy.mil>]  
Sent: Wednesday, May 10, 2017 4:20 PM  
To: Russell, Heather <[Russell.Heather@epa.gov](mailto:Russell.Heather@epa.gov)>; Rodriguez, Angelica CIV NAVFAC

Washington <[angelica.rodriguez@navy.mil](mailto:angelica.rodriguez@navy.mil)>

Subject: RE: Funding for EPA Violations

Heather,

Please see attached correspondence.

Angelica,

## Ex. 5 - Deliberative Process

v/R,

Jina L. Banks Saunders

Dept. of the Navy

Labor Analysis Manager

Supervisory Financial Analyst

NAVFAC Washington, FM

Phone: 202-685-9624

Email: [Jina.BanksSaunders@Navy.Mil](mailto:Jina.BanksSaunders@Navy.Mil)

-----Original Message-----

From: Russell, Heather [<mailto:Russell.Heather@epa.gov>]

Sent: Wednesday, May 10, 2017 2:52 PM

To: Banks-Saunders, Jina CIV NAVFAC Washington

Subject: [Non-DoD Source] RE: Funding for EPA Violations

Hi Jina,

## Ex. 5 - Deliberative Process

Thanks!

Heather Russell

U.S. Environmental Protection Agency

Office of the Controller

Non-Superfund, R3/R4/R7/R10

Phone: 513-487-2044

Fax: 513-487-2063

[Russell.Heather@epa.gov](mailto:Russell.Heather@epa.gov)

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington [<mailto:jina.bankssaunders@navy.mil>]

Sent: Friday, April 21, 2017 4:15 PM

To: Willett, Carin L CIV NAVFAC, Washington <[carin.willett@navy.mil](mailto:carin.willett@navy.mil)>; Russell, Heather <[Russell.Heather@epa.gov](mailto:Russell.Heather@epa.gov)>

Cc: Rodriguez, Angelica CIV NAVFAC Washington <[angelica.rodriguez@navy.mil](mailto:angelica.rodriguez@navy.mil)>; Scott, Karon H CIV NAVFAC Washington <[karon.scott@navy.mil](mailto:karon.scott@navy.mil)>

Subject: RE: Funding for EPA Violations

Ms. Russell,

Based on the below information can you please forward a copy of the acceptance for the document received?

Thanks in advance.

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: [Jina.BanksSaunders@Navy.Mil](mailto:Jina.BanksSaunders@Navy.Mil)

-----Original Message-----

From: Willett, Carin L CIV NAVFAC, Washington  
Sent: Friday, April 21, 2017 10:16 AM  
To: Russell, Heather ([Russell.Heather@epa.gov](mailto:Russell.Heather@epa.gov))  
Cc: Banks-Saunders, Jina CIV NAVFAC Washington; Rodriguez, Angelica CIV NAVFAC Washington; Scott, Karon H CIV NAVFAC Washington  
Subject: FW: Funding for EPA Violations

Heather,

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Thank you and have a good

weekend.

Carin Willett  
NAVFAC Washington  
Management Analyst  
202-685-3286  
202-768-0015 (cell)

-----Original Message-----

From: Vargas, Maria A CIV NAVFAC Washington  
Sent: Friday, April 21, 2017 10:13 AM  
To: Banks-Saunders, Jina CIV NAVFAC Washington; Willett, Carin L CIV NAVFAC, Washington; Williams, Robert L CIV NAVFAC Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington; Wright, Malgorzata E CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Ms. Carin, Ms. Saunders,

## Ex. 5 - Deliberative Process

Thanks,  
mav

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington  
Sent: Friday, April 21, 2017 10:05 AM  
To: Willett, Carin L CIV NAVFAC, Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington; Vargas, Maria A CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Carin,

Thanks for the update! I will follow up with you next week.

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: [Jina.BanksSaunders@Navy.Mil](mailto:Jina.BanksSaunders@Navy.Mil)

-----Original Message-----

From: Willett, Carin L CIV NAVFAC, Washington  
Sent: Friday, April 21, 2017 8:44 AM  
To: Banks-Saunders, Jina CIV NAVFAC Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington  
Subject: RE: Funding for EPA Violations

Jina,

### Ex. 5 - Deliberative Process

I will have to discuss this with Chris when he returns next week. Thanks

Carin Willett  
NAVFAC Washington  
Management Analyst  
202-685-3286  
202-768-0015 (cell)

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington

Sent: Thursday, April 20, 2017 3:36 PM  
To: Willett, Carin L CIV NAVFAC, Washington  
Cc: Rodriguez, Angelica CIV NAVFAC Washington; Yarber, Daron J CIV NAVFAC Washington, FM34; Russell, Heather; Scott, Karon H CIV NAVFAC Washington  
Subject: FW: Funding for EPA Violations  
Importance: High

Ms. Willett,

Please see below.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Please advise.

v/R,

Jina L. Banks Saunders

Dept. of the Navy  
Labor Analysis Manager  
Supervisory Financial Analyst  
NAVFAC Washington, FM  
Phone: 202-685-9624  
Email: [Jina.BanksSaunders@Navy.Mil](mailto:Jina.BanksSaunders@Navy.Mil)

-----Original Message-----

From: Russell, Heather [<mailto:Russell.Heather@epa.gov>]  
Sent: Thursday, April 20, 2017 2:36 PM  
To: Banks-Saunders, Jina CIV NAVFAC Washington  
Subject: [Non-DoD Source] RE: Funding for EPA Violations

Hi Jina,

**Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process Thanks!

Heather

Heather Russell  
U.S. Environmental Protection Agency  
Office of the Controller  
Non-Superfund, R3/R4/R7/R10  
Phone: 513-487-2044  
Fax: 513-487-2063  
[Russell.Heather@epa.gov](mailto:Russell.Heather@epa.gov)

-----Original Message-----

From: Banks-Saunders, Jina CIV NAVFAC Washington [<mailto:jina.bankssaunders@navy.mil>]

Sent: Thursday, April 20, 2017 12:49 PM

To: Willett, Carin L CIV NAVFAC, Washington <[carin.willett@navy.mil](mailto:carin.willett@navy.mil)>; Vargas, Maria A CIV NAVFAC Washington <[maria.vargas@navy.mil](mailto:maria.vargas@navy.mil)>; Russell, Heather <[Russell.Heather@epa.gov](mailto:Russell.Heather@epa.gov)>

Cc: Yarber, Daron J CIV NAVFAC Washington, FM34 <[daron.yarber@navy.mil](mailto:daron.yarber@navy.mil)>; Scott, Karon H CIV NAVFAC Washington <[karon.scott@navy.mil](mailto:karon.scott@navy.mil)>

Subject: Funding for EPA Violations

Ms. Russell,

Attached please find funding for EPA Violations at the WNY.

Please forward a copy of the acceptance within 5 days of receipt to  
[NAVFAC\\_Wash\\_NWCF\\_Funding\\_Document\\_Requests@navy.mil](mailto:NAVFAC_Wash_NWCF_Funding_Document_Requests@navy.mil).

Thanks!

v/R,

Jina Saunders  
NAVFAC FM

V: 202-685-9624

<FW\_ Funding for EPA Violations.pdf>

Message

---

**From:** Pendleton, Gracie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A680198D56664CA893F70E7F33B30055-PENDELTON, GRACIE]  
**Sent:** 9/8/2016 6:39:45 PM  
**To:** Peterson, Mark [mark.peterson@usuhs.edu]  
**CC:** Fedinatz, Kimberly G CIV NAVFAC Washington [kimberly.fedinatz@navy.mil]; Amanda Tyson [amanda.tyson@usuhs.edu]; Jason Kaar [jason.kaar@usuhs.edu]  
**Subject:** RE: [Non-DoD Source] In re: Department of the Navy US EPA Docket No. RCRA-03-2016-0020 Final Order signed  
**Attachments:** USU RJO Memo.pdf; USU Final SCAFO.pdf

Mark —

## Ex. 5 - Deliberative Process

If you have any further questions or concerns please let me know.

Respectfully,

Gracie Pendleton  
Attorney-Advisor  
Tel: 202-564-2588

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**From:** Peterson, Mark [mailto:mark.peterson@usuhs.edu]  
**Sent:** Thursday, September 08, 2016 2:04 PM  
**To:** Pendleton, Gracie <Pendleton.Gracie@epa.gov>  
**Cc:** Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>; Amanda Tyson <amanda.tyson@usuhs.edu>; Jason Kaar <jason.kaar@usuhs.edu>  
**Subject:** Re: [Non-DoD Source] In re: Department of the Navy US EPA Docket No. RCRA-03-2016-0020 Final Order signed

Thank you.

Mark

Mark E. Peterson  
Deputy General Counsel  
Office of General Counsel (OGC)  
Uniformed Services University of the Health Sciences (USUHS)  
Department of Defense (DoD)  
4301 Jones Bridge Road, RM A-1030  
Bethesda, MD 20814  
(301) 295-3028

Fax: (301) 295-6681

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On Thu, Sep 8, 2016 at 2:03 PM, Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)> wrote:

Mr. Peterson –

Thanks to you and your colleagues for your patience on resolving this case.

## Ex. 5 - Deliberative Process

Thank you!

Gracie Pendleton  
Attorney-Advisor  
Tel: [202-564-2588](tel:202-564-2588)

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**From:** Peterson, Mark [<mailto:mark.peterson@usuhs.edu>]  
**Sent:** Thursday, September 08, 2016 12:29 PM  
**To:** Pendleton, Gracie <[Pendleton.Gracie@epa.gov](mailto:Pendleton.Gracie@epa.gov)>  
**Cc:** Fedinatz, Kimberly G CIV NAVFAC Washington <[kimberly.fedinatz@navy.mil](mailto:kimberly.fedinatz@navy.mil)>; Amanda Tyson <[amanda.tyson@usuhs.edu](mailto:amanda.tyson@usuhs.edu)>; Jason Kaar <[jason.kaar@usuhs.edu](mailto:jason.kaar@usuhs.edu)>  
**Subject:** Fwd: [Non-DoD Source] In re: Department of the Navy US EPA Docket No. RCRA-03-2016-0020 Final Order signed

Gracie,

**Ex. 5 - Deliberative Process**

Mark

Mark E. Peterson

Deputy General Counsel

Office of General Counsel (OGC)

Uniformed Services University of the Health Sciences (USUHS)

Department of Defense (DoD)

4301 Jones Bridge Road, RM A-1030

Bethesda, MD 20814

(301) 295-3028

Fax: (301) 295-6681

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----- Forwarded message -----

From: **Fedinatz, Kimberly G CIV NAVFAC Washington** <[kimberly.fedinatz@navy.mil](mailto:kimberly.fedinatz@navy.mil)>

Date: Wed, Sep 7, 2016 at 4:02 PM

Subject: RE: [Non-DoD Source] In re: Department of the Navy US EPA Docket No. RCRA-03-2016-0020  
Final Order signed

To: "[mark.peterson@usuhs.edu](mailto:mark.peterson@usuhs.edu)" <[mark.peterson@usuhs.edu](mailto:mark.peterson@usuhs.edu)>

Mark,

**Ex. 5 - Deliberative Process**

I'd contact Gracie

Pendleton directly.

**Ex. 5 - Deliberative Process**

Kimi

-----Original Message-----

From: [mark.peterson@usuhs.edu](mailto:mark.peterson@usuhs.edu) [mailto:[mark.peterson@usuhs.edu](mailto:mark.peterson@usuhs.edu)]

Sent: Wednesday, September 07, 2016 3:31 PM

To: Fedinatz, Kimberly G CIV NAVFAC Washington  
Cc: Jason Kaar  
Subject: Re: [Non-DoD Source] In re: Department of the Navy US EPA Docket No. RCRA-03-2016-0020  
Final Order signed

Kimi,

### **Ex. 5 - Deliberative Process**

Mark

> On Sep 7, 2016, at 3:19 PM, Fedinatz, Kimberly G CIV NAVFAC Washington  
<[kimberly.fedinatz@navy.mil](mailto:kimberly.fedinatz@navy.mil)> wrote:

>  
> Finally, the task is complete.

>  
> V/r,  
> Kimberly Fedinatz  
> Assistant Counsel  
> NAVFAC Washington  
> [\(202\) 685-3240](tel:(202)685-3240)

> -----Original Message-----

> From: Lisa, Joseph [<mailto:Lisa.Joseph@epa.gov>]

> Sent: Wednesday, September 07, 2016 3:06 PM

> To: Gardner, Allison; Connor, Garth; Pendleton, Gracie; [mark.peterson@usuhs.edu](mailto:mark.peterson@usuhs.edu); Fedinatz, Kimberly G  
CIV NAVFAC Washington

> Subject: [Non-DoD Source] In re: Department of the Navy US EPA Docket No. RCRA-03-2016-0020 Final  
Order signed

>

### **Ex. 7(e)**

>  
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>  
> Thank you.

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>  
>  
> Joseph J. Lisa

>  
>  
>  
>  
> Joseph J. Lisa

>  
> Regional Judicial Officer/Presiding Officer

>  
> U.S. Environmental Protection Agency - Region III  
>  
> 1650 Arch Street  
>  
> MailCode 3RC00  
>  
> Philadelphia, Pennsylvania 19103  
>  
> Phone: 215-814-2479  
>  
> Lisa.joseph@epa.gov  
>  
>  
>

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WHETHER ELECTRONIC OR HARD COPY.

>  
>  
>

Message

---

**From:** Gervais, Gregory [Gervais.Gregory@epa.gov]  
**Sent:** 7/10/2017 3:01:10 PM  
**To:** Burchette, John [Burchette.John@epa.gov]; Lindsey, William [Lindsey.William@epa.gov]  
**Subject:** RE: FFEO Toolbox Link -Formal Dispute Tracking

I can open them in Chrome but not IE. I'll check with EZ Tech. No need to do any more investigation, Will. Thanks!

\*\*\*\*\*

Greg Gervais  
Deputy Director  
Federal Facilities Restoration & Reuse Office  
USEPA OLEM  
202-564-4409 (office)  
[Follow OLEM on Twitter @EPAland](#)

\*\*\*\*\*

---

**From:** Burchette, John  
**Sent:** Monday, July 10, 2017 10:58 AM  
**To:** Lindsey, William <Lindsey.William@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>  
**Subject:** RE: FFEO Toolbox Link -Formal Dispute Tracking

Yes, I can access them if you're referring to these:

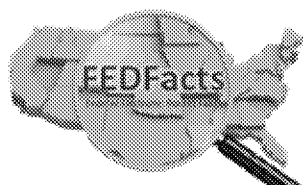
## FFA DISPUTES SUMMARY AND SPREADSHEETS

- FFA Disputes All
- FFA Disputes Active
- FFA Current and Recent Disputes Summary

# Ex. 5 - Deliberative Process

John Burchette  
Office of Land and Emergency Management  
Federal Facilities Restoration and Reuse Office – 5106R  
Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N. W.  
Washington, DC 20460  
Phone: 202-564-3338  
Cell: 571-329-4523

Learn about Federal Facility Cleanups in your area:



---

**From:** Lindsey, William  
**Sent:** Monday, July 10, 2017 10:47 AM  
**To:** Gervais, Gregory <[Gervais.Gregory@epa.gov](mailto:Gervais.Gregory@epa.gov)>  
**Cc:** Burchette, John <[Burchette.John@epa.gov](mailto:Burchette.John@epa.gov)>  
**Subject:** Re: FFEO Toolbox Link -Formal Dispute Tracking

Thanks Greg,

John, are you able to access the two spreadsheets?

I will ask around and see what I can find out. It may be because they are linked to FFEO's share drive.

Thanks,

Will

---

**From:** Gervais, Gregory  
**Sent:** Monday, July 10, 2017 10:42:30 AM  
**To:** Lindsey, William  
**Cc:** Burchette, John  
**Subject:** RE: FFEO Toolbox Link -Formal Dispute Tracking

Thanks Will! Just now getting around to looking at the dispute tracking files. The "FFA Current and Recent Disputes Summary" is the only file that I can open. I get the following when I try to open the other two. Not sure if anyone else is having this problem.



\*\*\*\*\*

Greg Gervais  
Deputy Director  
Federal Facilities Restoration & Reuse Office  
USEPA OLEM  
202-564-4409 (office)  
[Follow OLEM on Twitter @EPAland](#)

\*\*\*\*\*

---

**From:** Lindsey, William  
**Sent:** Thursday, May 18, 2017 11:21 AM  
**To:** Bertrand, Charlotte <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>; Gervais, Gregory <[Gervais.Gregory@epa.gov](mailto:Gervais.Gregory@epa.gov)>; Lapachin, Jyl <[Lapachin.Jyl@epa.gov](mailto:Lapachin.Jyl@epa.gov)>; McEaddy, Monica <[McEaddy.Monica@epa.gov](mailto:McEaddy.Monica@epa.gov)>; Burchette, John <[Burchette.John@epa.gov](mailto:Burchette.John@epa.gov)>  
**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>  
**Subject:** FFEO Toolbox Link -Formal Dispute Tracking

Hi Everyone,

Here is the link to the CERCLA portion of FFEO's Toolbox. From this link you should be able to access three documents:

- 1). FFA Disputes All: This is a spreadsheet that includes all of our formal disputes as well as the instances where stipulated penalties have been assessed (even where those stips. were not associated with formal disputes)
- 2). FFA Disputes Active: This is a spreadsheet of the active formal disputes only
- 3). FFA Current and Recent Disputes Summary: This is a word document where current and recent disputes are summarized

There are some caveats and nuances to these documents that I can explain at some point. I inherited the process a little over a year ago.

### **Ex. 5 - Deliberative Process**

Please let me know if you have trouble accessing them and/or if you have questions about them.

Thanks,

Will

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

Message

---

**From:** Burchette, John [Burchette.John@epa.gov]  
**Sent:** 7/10/2017 2:57:52 PM  
**To:** Lindsey, William [Lindsey.William@epa.gov]; Gervais, Gregory [Gervais.Gregory@epa.gov]  
**Subject:** RE: FFEO Toolbox Link -Formal Dispute Tracking

Yes, I can access them if you're referring to these:

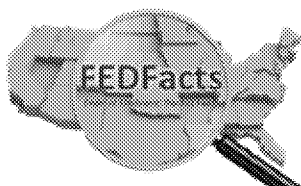
## **FFA DISPUTES SUMMARY AND SPREADSHEETS**

- FFA Disputes All
- FFA Disputes Active
- FFA Current and Recent Disputes Summary

# **Ex. 5 - Deliberative Process**

John Burchette  
Office of Land and Emergency Management  
Federal Facilities Restoration and Reuse Office – 5106R  
Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N. W.  
Washington, DC 20460  
Phone: 202-564-3338  
Cell: 571-329-4523

Learn about Federal Facility Cleanups in your area:



---

**From:** Lindsey, William  
**Sent:** Monday, July 10, 2017 10:47 AM  
**To:** Gervais, Gregory <Gervais.Gregory@epa.gov>  
**Cc:** Burchette, John <Burchette.John@epa.gov>  
**Subject:** Re: FFEO Toolbox Link -Formal Dispute Tracking

Thanks Greg,

John, are you able to access the two spreadsheets?

I will ask around and see what I can find out. It may be because they are linked to FFEO's share drive.

Thanks,

Will

---

**From:** Gervais, Gregory  
**Sent:** Monday, July 10, 2017 10:42:30 AM  
**To:** Lindsey, William  
**Cc:** Burchette, John  
**Subject:** RE: FFEO Toolbox Link -Formal Dispute Tracking

Thanks Will! Just now getting around to looking at the dispute tracking files. The "FFA Current and Recent Disputes Summary" is the only file that I can open. I get the following when I try to open the other two. Not sure if anyone else is having this problem.



\*\*\*\*\*

Greg Gervais  
Deputy Director  
Federal Facilities Restoration & Reuse Office  
USEPA OLEM  
202-564-4409 (office)  
[Follow OLEM on Twitter @EPAland](#)

\*\*\*\*\*

---

**From:** Lindsey, William  
**Sent:** Thursday, May 18, 2017 11:21 AM  
**To:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Lapachin, Jyl <Lapachin.Jyl@epa.gov>; McEaddy, Monica <McEaddy.Monica@epa.gov>; Burchette, John <Burchette.John@epa.gov>

**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>

**Subject:** FFEO Toolbox Link -Formal Dispute Tracking

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There are some caveats and nuances to these documents that I can explain at some point. I inherited the process a little over a year ago.

## **Ex. 5 - Deliberative Process**

Please let me know if you have trouble accessing them and/or if you have questions about them.

Thanks,

Will

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

Message

---

**From:** Gervais, Gregory [Gervais.Gregory@epa.gov]  
**Sent:** 7/10/2017 2:49:50 PM  
**To:** Lindsey, William [Lindsey.William@epa.gov]  
**CC:** Burchette, John [Burchette.John@epa.gov]  
**Subject:** RE: FFEO Toolbox Link -Formal Dispute Tracking

No ability to access the two spreadsheets, just the Word file.

\*\*\*\*\*

Greg Gervais  
Deputy Director  
Federal Facilities Restoration & Reuse Office  
USEPA OLEM  
202-564-4409 (office)  
[Follow OLEM on Twitter @EPAland](#)

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**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>  
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Will

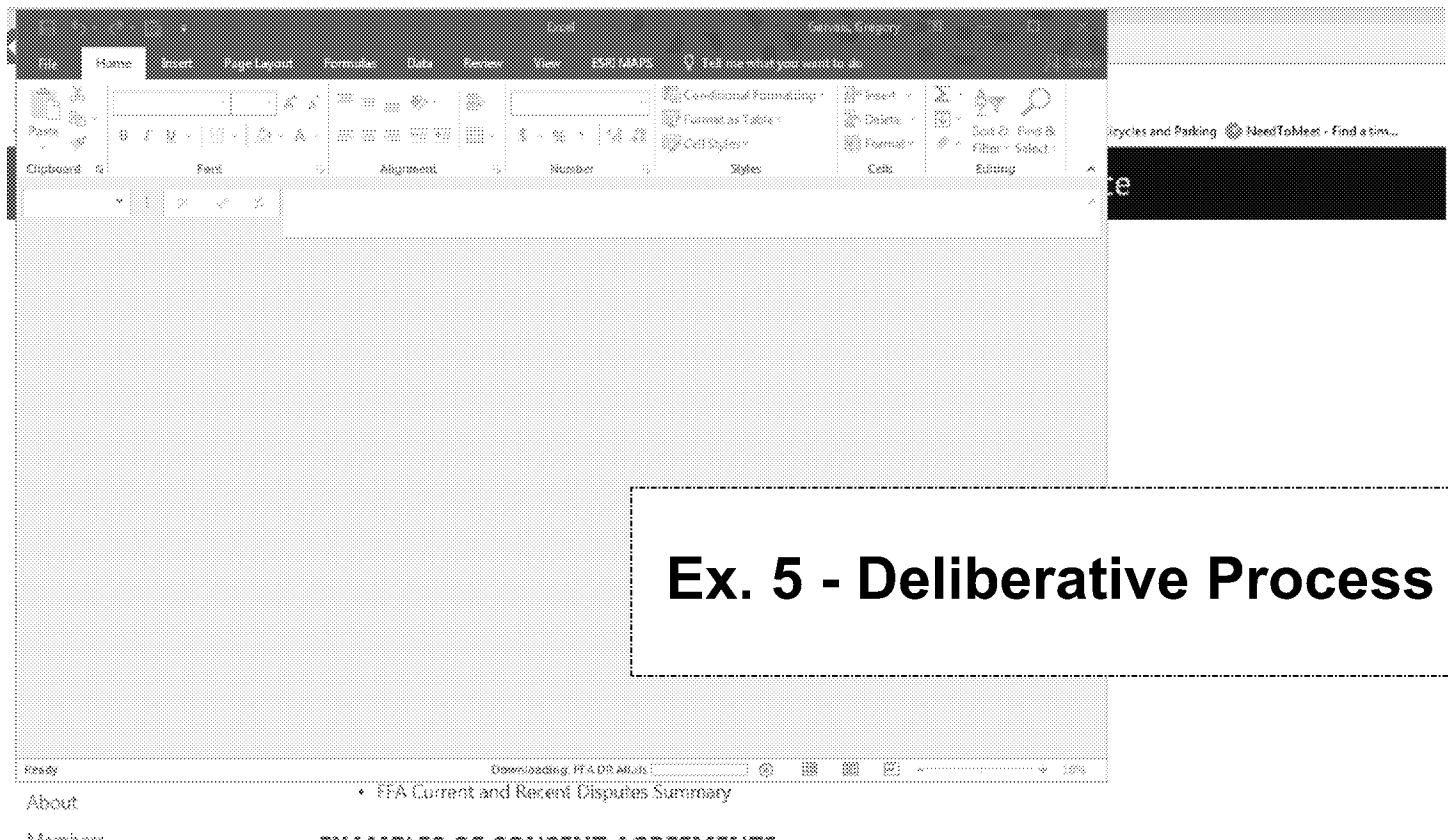
Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency

WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
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Message

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**Sent:** 7/10/2017 2:42:30 PM  
**To:** Lindsey, William [Lindsey.William@epa.gov]  
**CC:** Burchette, John [Burchette.John@epa.gov]  
**Subject:** RE: FFEO Toolbox Link -Formal Dispute Tracking  
**Attachments:** ATT57335

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U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

Message

---

**From:** Hunt, Stuart [Hunt.Stuart@epa.gov]  
**Sent:** 6/22/2017 9:05:00 PM  
**To:** DeGrandi, Michelle [Michelle.DeGrandi@va.gov]  
**CC:** Boyea, Robert P. [Ex. 6 - Personal Privacy]@va.gov]; Lindsey, William [Lindsey.William@epa.gov]; Freyre, Dominique [Freyre.Dominique@epa.gov]; Robertson, David [robertson.david@epa.gov]  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

Michelle,

Please send me the name and address for the VA contact in the Certificate of Service, which is on the last page of the document. Once we have that, we can start the concurrence process in Region 6.

Thanks!

Stuart

---

**From:** DeGrandi, Michelle [mailto:Michelle.DeGrandi@va.gov]  
**Sent:** Thursday, June 22, 2017 4:40 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Boyea, Robert P. <[Ex. 6 - Personal Privacy]@va.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Robertson, David <robertson.david@epa.gov>  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

Attached is the draft CAFO with the requested information. If you need anything else, just let me know. Otherwise, we'll stand by for the final copy for signature.

Thanks!

Michelle M. DeGrandi  
Environmental Attorney  
Office of General Counsel (RPLG)  
Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221  
(913) 400-2106

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]  
**Sent:** Friday, June 16, 2017 8:25 AM  
**To:** DeGrandi, Michelle  
**Cc:** Boyea, Robert P.; Lindsey, William; Freyre, Dominique; Robertson, David  
**Subject:** [EXTERNAL] VA ABQ - Review of Revised Draft CAFO

Dear Michelle,

## Ex. 5 and Ex. 7(a) - DPP and Enforcement

Thank you for your cooperation in resolving this matter.

Stuart

Stuart E. Hunt, Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Freyre, Dominique [Freyre.Dominique@epa.gov]  
**Sent:** 6/22/2017 8:46:25 PM  
**To:** Lindsey, William [Lindsey.William@epa.gov]; Hunt, Stuart [Hunt.Stuart@epa.gov]  
**CC:** Robertson, David [robertson.david@epa.gov]  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

Really great.

---

**From:** Lindsey, William  
**Sent:** Thursday, June 22, 2017 4:43 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Freyre, Dominique <Freyre.Dominique@epa.gov>; Robertson, David <robertson.david@epa.gov>  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

Superb!

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

---

**From:** DeGrandi, Michelle [mailto:Michelle.DeGrandi@va.gov]  
**Sent:** Thursday, June 22, 2017 4:40 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Boyea, Robert P. <Ex. 6 - Personal Privacy [REDACTED]@va.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Robertson, David <robertson.david@epa.gov>  
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Environmental Attorney  
Office of General Counsel (RPLG)  
Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221  
(913) 400-2106

---

**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]  
**Sent:** Friday, June 16, 2017 8:25 AM  
**To:** DeGrandi, Michelle  
**Cc:** Boyea, Robert P.; Lindsey, William; Freyre, Dominique; Robertson, David  
**Subject:** [EXTERNAL] VA ABQ - Review of Revised Draft CAFO

Dear Michelle,

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Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Freyre, Dominique [Freyre.Dominique@epa.gov]  
**Sent:** 8/2/2017 1:17:08 PM  
**To:** Lindsey, William [Lindsey.William@epa.gov]  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

Thanks, Will.

I asked Cathy if there was a way she could convert pdf to word using Adobe Acrobat Pro, which I don't have.

She said she'll try. Fingers crossed!

---

**From:** Lindsey, William  
**Sent:** Wednesday, August 02, 2017 8:57 AM  
**To:** Freyre, Dominique <Freyre.Dominique@epa.gov>  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

I think so. **Ex. 5 - Deliberative Process**

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

---

**From:** Freyre, Dominique  
**Sent:** Wednesday, August 02, 2017 8:55 AM  
**To:** Lindsey, William <Lindsey.William@epa.gov>  
**Subject:** FW: VA ABQ - Review of Revised Draft CAFO

Hey Will,

Is this the final word document that you have? (the one where a typo was corrected and some language was added?)

Thanks!

---

**From:** DeGrandi, Michelle [mailto:Michelle.DeGrandi@va.gov]  
**Sent:** Thursday, June 22, 2017 4:40 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Boyea, Robert P. <Ex. 6 - Personal Privacy@va.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Robertson, David <robertson.david@epa.gov>  
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Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221  
(913) 400-2106

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**From:** Hunt, Stuart [<mailto:Hunt.Stuart@epa.gov>]

**Sent:** Friday, June 16, 2017 8:25 AM

**To:** DeGrandi, Michelle

**Cc:** Boyea, Robert P.; Lindsey, William; Freyre, Dominique; Robertson, David

**Subject:** [EXTERNAL] VA ABQ - Review of Revised Draft CAFO

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Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

---

**From:** Freyre, Dominique [Freyre.Dominique@epa.gov]  
**Sent:** 8/2/2017 12:54:41 PM  
**To:** Lindsey, William [Lindsey.William@epa.gov]  
**Subject:** FW: VA ABQ - Review of Revised Draft CAFO  
**Attachments:** R6 VA ABQ Draft CAFO v11 (3).doc

Hey Will,

Is this the final word document that you have? (the one where a typo was corrected and some language was added?)

Thanks!

---

**From:** DeGrandi, Michelle [mailto:Michelle.DeGrandi@va.gov]  
**Sent:** Thursday, June 22, 2017 4:40 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
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Message

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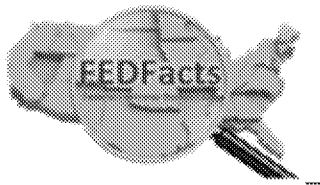
**From:** Burchette, John [Burchette.John@epa.gov]  
**Sent:** 5/18/2017 3:57:12 PM  
**To:** Lindsey, William [Lindsey.William@epa.gov]  
**Subject:** RE: FFEO Toolbox Link -Formal Dispute Tracking  
**Attachments:** ATT58081

Thanks Will, this is helpful. Would you be able to provide me with the different levels of dispute that are in our boiler plate FFA's? That is the different tiered levels which ultimately ends at the Administrator.

Thanks!

John Burchette  
Office of Land and Emergency Management  
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---

**From:** Dalzell, Sally  
**Sent:** Thursday, May 18, 2017 11:45 AM  
**To:** Lindsey, William <Lindsey.William@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Lapachin, Jyl <Lapachin.Jyl@epa.gov>; McEaddy, Monica <McEaddy.Monica@epa.gov>; Burchette, John <Burchette.John@epa.gov>  
**Cc:** Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** RE: FFEO Toolbox Link -Formal Dispute Tracking

Will:

As always, you are so helpful.

Thank you for sending this out.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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**Cc:** Dalzell, Sally <[Dalzell.Sally@epa.gov](mailto:Dalzell.Sally@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>  
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U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537



Message

---

**From:** Lindsey, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5FB8B16440194D37ABB5536697BB2CD3-LINDSEY, WI]  
**Sent:** 6/22/2017 8:43:26 PM  
**To:** Hunt, Stuart [Hunt.Stuart@epa.gov]  
**CC:** Freyre, Dominique [freyre.dominique@epa.gov]; Robertson, David [robertson.david@epa.gov]  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

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Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
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(202) 564-2537

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**Sent:** Thursday, June 22, 2017 4:40 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Boyea, Robert P. <[Ex. 6 - Personal Privacy]@va.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Robertson, David <robertson.david@epa.gov>  
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Environmental Attorney  
Office of General Counsel (RPLG)  
Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221  
(913) 400-2106

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**Sent:** Friday, June 16, 2017 8:25 AM  
**To:** DeGrandi, Michelle  
**Cc:** Boyea, Robert P.; Lindsey, William; Freyre, Dominique; Robertson, David  
**Subject:** [EXTERNAL] VA ABQ - Review of Revised Draft CAFO

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## Ex. 5 and Ex. 7(a) - DPP and Enforcement

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Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
(202) 564-2591

Message

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**From:** Lindsey, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5FB8B16440194D37ABB5536697BB2CD3-LINDSEY, WI]  
**Sent:** 6/5/2017 1:15:06 PM  
**To:** Freyre, Dominique [Freyre.Dominique@epa.gov]  
**Subject:** Fw: EPA Direct Implementation

Hi Nikki,

See my email below to Gracie where I pulled out some of the programs that I know are not delegated. I will forward the spreadsheet in a separate email because it doesn't seem to be attached here.

For some of the nuances you have to click into the links in the spreadsheet. For example, the NPDES link you can click in and see where states don't have the program at all, or despite having the program some will not have FF NPDES authority.

Thanks,

Will

---

**From:** Lindsey, William  
**Sent:** Thursday, June 1, 2017 5:30 PM  
**To:** 'Pendleton.Gracie@epa.gov'; Dixon, Chelsea  
**Subject:** RE: EPA Direct Implementation

Gracie,

**Ex. 7(e)**

Thanks,

Will

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

---

**From:** Lindsey, William  
**Sent:** Thursday, June 01, 2017 1:40 PM  
**To:** Pendleton.Gracie@epa.gov; Dixon, Chelsea <Dixon.Chelsea@epa.gov>  
**Subject:** FW: EPA Direct Implementation

Hi Gracie,

## Ex. 7(e)

The delegations spreadsheet is attached.

The areas that I know that EPA directly implements are as follows:

RCRA – Iowa, Alaska, PR, VI

CWA NPDES – it appears that a number of states do not have NPDES authorizations: <https://www.epa.gov/npdes/npdes-state-program-information>

## NPDES State Program Information | US EPA

[www.epa.gov](https://www.epa.gov)

State authorization information, state authority information, and information on withdrawal petitions.

CWA NPDES at federal facilities – there are some states that don't have NPDES authorizations at FF even where they have the program otherwise: (same link as above)

SDWA UIC – there are a number of UIC nuances in the spreadsheet depending on the type of well

SDWA PWS – Wyoming and DC do not have delegated programs

RMP – A number of states that do not have (in chart)

There are some CAA nuances as well in the chart (112R1 – Statutory general duty clause that cannot be delegated)

## Ex. 7(e)

I will send another email or two.

Thanks,

Will

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
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1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

---

**From:** Moiseff, Andrew  
**Sent:** Tuesday, May 02, 2017 9:46 AM  
**To:** Lindsey, William <Lindsey.William@epa.gov>  
**Cc:** Palmer, Daniel <Palmer.Daniel@epa.gov>  
**Subject:** RE: EPA Direct Implementation

Will,

Here is the list Dan Palmer, DDD for PMOD, provided though on quick glance don't see too much mention of Federal Facilities. Hope it offers some help, or at least a starting point. Let me know if you have any further questions.

Thanks

<< File: State Authorizations 04-03-17b.xlsx >>

Andrew Moiseff  
Program Analyst  
State and Tribal Performance Branch, Office of Compliance  
Office of Enforcement and Compliance Assurance  
WJC-South, 5116A  
Tel: 202-564-3007

---

**From:** Lindsey, William  
**Sent:** Tuesday, May 02, 2017 9:07 AM  
**To:** Moiseff, Andrew <Moiseff.Andrew@epa.gov>  
**Subject:** RE: EPA Direct Implementation

Thanks! Would you mind asking for it? The reason I ask is because there are some nuances with some of this.

For example, though CO has CWA authority it does not have the authority to regulate federal facilities under the CWA:  
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I am hoping to hunt down something that has a nuance by nuance list for DI. Even down to specific regulations. I know sometimes states may have an authority but when a new rule comes out it takes them some time to adopt that specific rule.

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Washington, DC 20460  
(202) 564-2537

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**Sent:** Tuesday, May 02, 2017 8:55 AM  
**To:** Lindsey, William <[Lindsey.William@epa.gov](mailto:Lindsey.William@epa.gov)>  
**Subject:** RE: EPA Direct Implementation

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We only review three main programs CWA NPDES, CAA Title V, and RCRA Subtitle C for which the map indicates which are DI below. After our brief initial involvement, the other branch in our division has taken it and run, and briefed the administrator the other week. They have a much more detailed list of which programs are DI for other statutes if you would like me to request it?

<< OLE Object: Picture (Device Independent Bitmap) >>

<https://www.epa.gov/compliance/state-review-framework-compliance-and-enforcement-performance>

Andrew Moiseff  
Program Analyst  
State and Tribal Performance Branch, Office of Compliance  
Office of Enforcement and Compliance Assurance  
WJC-South, 5116A  
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**From:** Lindsey, William  
**Sent:** Tuesday, May 02, 2017 8:43 AM  
**To:** Moiseff, Andrew <[Moiseff.Andrew@epa.gov](mailto:Moiseff.Andrew@epa.gov)>  
**Subject:** EPA Direct Implementation

Hey,

As part of your effort reviewing cases that EPA has taken (as opposed to a state taking a case) did you happen to get or use a list of all the rules by state where EPA has direct implementation? If so, could you send that to me?

Thanks,

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Will Lindsey  
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WJC South 2202J  
1200 Pennsylvania Ave., NW

Washington, DC 20460  
(202) 564-2537

Message

---

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**Sent:** 6/1/2017 9:30:15 PM  
**To:** 'Pendleton.Gracie@epa.gov' [Pendleton.Gracie@epa.gov]; Dixon, Chelsea [Dixon.Chelsea@epa.gov]  
**Subject:** RE: EPA Direct Implementation

Gracie,

**Ex. 7(e)**

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Will

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<< File: State Authorizations 04-03-17b.xlsx >>

Andrew Moiseff  
Program Analyst  
State and Tribal Performance Branch, Office of Compliance  
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<https://www.epa.gov/compliance/state-review-framework-compliance-and-enforcement-performance>

Andrew Moiseff  
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Office of Enforcement and Compliance Assurance  
WJC-South, 5116A  
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**Sent:** Tuesday, May 02, 2017 8:43 AM  
**To:** Moiseff, Andrew <[Moiseff.Andrew@epa.gov](mailto:Moiseff.Andrew@epa.gov)>  
**Subject:** EPA Direct Implementation

Hey,

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Will Lindsey  
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U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
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Message

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**From:** Lindsey, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5FB8B16440194D37ABB5536697BB2CD3-LINDSEY, WI]  
**Sent:** 7/10/2017 2:54:40 PM  
**To:** Gervais, Gregory [Gervais.Gregory@epa.gov]  
**CC:** Burchette, John [Burchette.John@epa.gov]  
**Subject:** Re: FFEO Toolbox Link -Formal Dispute Tracking

Thanks,

I am checking into it.

- Will

---

**From:** Gervais, Gregory  
**Sent:** Monday, July 10, 2017 10:49:50 AM  
**To:** Lindsey, William  
**Cc:** Burchette, John  
**Subject:** RE: FFEO Toolbox Link -Formal Dispute Tracking

No ability to access the two spreadsheets, just the Word file.

\*\*\*\*\*  
Greg Gervais  
Deputy Director  
Federal Facilities Restoration & Reuse Office  
USEPA OLEM  
202-564-4409 (office)  
[Follow OLEM on Twitter @EPAland](#)  
\*\*\*\*\*

---

**From:** Lindsey, William  
**Sent:** Monday, July 10, 2017 10:47 AM  
**To:** Gervais, Gregory <Gervais.Gregory@epa.gov>  
**Cc:** Burchette, John <Burchette.John@epa.gov>  
**Subject:** Re: FFEO Toolbox Link -Formal Dispute Tracking

Thanks Greg,

John, are you able to access the two spreadsheets?

I will ask around and see what I can find out. It may be because they are linked to FFEO's share drive.

Thanks,

Will

---

**From:** Gervais, Gregory  
**Sent:** Monday, July 10, 2017 10:42:30 AM

**To:** Lindsey, William  
**Cc:** Burchette, John  
**Subject:** RE: FFEO Toolbox Link -Formal Dispute Tracking

Thanks Will! Just now getting around to looking at the dispute tracking files. The "FFA Current and Recent Disputes Summary" is the only file that I can open. I get the following when I try to open the other two. Not sure if anyone else is having this problem.



\*\*\*\*\*

Greg Gervais  
Deputy Director  
Federal Facilities Restoration & Reuse Office  
USEPA OLEM  
202-564-4409 (office)  
Follow OLEM on Twitter @EPAland

\*\*\*\*\*

---

**From:** Lindsey, William  
**Sent:** Thursday, May 18, 2017 11:21 AM  
**To:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Lapachin, Jyl <Lapachin.Jyl@epa.gov>; McEaddy, Monica <McEaddy.Monica@epa.gov>; Burchette, John <Burchette.John@epa.gov>  
**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** FFEO Toolbox Link -Formal Dispute Tracking

Hi Everyone,

Here is the link to the CERCLA portion of FFEO's Toolbox. From this link you should be able to access three documents:

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There are some caveats and nuances to these documents that I can explain at some point. I inherited the process a little over a year ago.

### **Ex. 5 - Deliberative Process**

Please let me know if you have trouble accessing them and/or if you have questions about them.

Thanks,

Will

Will Lindsey  
Federal Facilities Enforcement Office

U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

Message

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**From:** Lindsey, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5FB8B16440194D37ABB5536697BB2CD3-LINDSEY, WI]  
**Sent:** 7/10/2017 2:46:31 PM  
**To:** Gervais, Gregory [Gervais.Gregory@epa.gov]  
**CC:** Burchette, John [Burchette.John@epa.gov]  
**Subject:** Re: FFEO Toolbox Link -Formal Dispute Tracking

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Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
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Message

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**Sent:** 6/1/2017 5:39:38 PM  
**To:** Pendleton.Gracie@epa.gov; Dixon, Chelsea [Dixon.Chelsea@epa.gov]  
**Subject:** FW: EPA Direct Implementation  
**Attachments:** State Authorizations 04-03-17b.xlsx

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## Ex. 7(e)

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U.S. Environmental Protection Agency  
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**From:** Moiseff, Andrew  
**Sent:** Tuesday, May 02, 2017 9:46 AM  
**To:** Lindsey, William <Lindsey.William@epa.gov>  
**Cc:** Palmer, Daniel <Palmer.Daniel@epa.gov>  
**Subject:** RE: EPA Direct Implementation

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Thanks



State  
Authorizations 0...

Andrew Moiseff  
Program Analyst  
State and Tribal Performance Branch, Office of Compliance  
Office of Enforcement and Compliance Assurance  
WJC-South, 5116A  
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**Subject:** RE: EPA Direct Implementation

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**To:** Lindsey, William <[Lindsey.William@epa.gov](mailto:Lindsey.William@epa.gov)>  
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Andrew Moiseff  
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Message

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**Sent:** 5/18/2017 5:31:08 PM  
**To:** Burchette, John [Burchette.John@epa.gov]  
**Subject:** RE: FFEO Toolbox Link -Formal Dispute Tracking  
**Attachments:** Fort Eustis FFA signed final.pdf

John,

Here is the Fort Eustis FFA which we often site as the model FFA. You will see the dispute resolution process laid out starting on page 47. Typically the dispute follows this path:

Dispute Resolution Committee → Senior Executive Committee → Administrator.

DRC and SEC are defined in the dispute resolution section on page 47 and 48.

All of the FFAs will follow this general pattern. I think sometimes (Rocky Mountain Arsenal) the committees are called something slightly different.

Thanks,

Will



Fort Eustis FFA  
signed final.pdf

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
WJC South 2202J  
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---

**From:** Burchette, John  
**Sent:** Thursday, May 18, 2017 11:57 AM  
**To:** Lindsey, William <Lindsey.William@epa.gov>  
**Subject:** RE: FFEO Toolbox Link -Formal Dispute Tracking

Thanks Will, this is helpful. Would you be able to provide me with the different levels of dispute that are in our boiler plate FFA's? That is the different tiered levels which ultimately ends at the Administrator.

Thanks!

John Burchette  
Office of Land and Emergency Management  
Federal Facilities Restoration and Reuse Office – 5106R

Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N. W.  
Washington, DC 20460  
Phone: 202-564-3338  
Cell: 571-329-4523

Learn about Federal Facility Cleanups in your area:

<< OLE Object: Picture (Device Independent Bitmap) >>

---

**From:** Dalzell, Sally  
**Sent:** Thursday, May 18, 2017 11:45 AM  
**To:** Lindsey, William <Lindsey.William@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Lapachin, Jyl <Lapachin.Jyl@epa.gov>; McEaddy, Monica <McEaddy.Monica@epa.gov>; Burchette, John <Burchette.John@epa.gov>  
**Cc:** Muller, Marie <MULLER.MARIE@EPA.GOV>  
**Subject:** RE: FFEO Toolbox Link -Formal Dispute Tracking

Will:

As always, you are so helpful.

Thank you for sending this out.

Sally

Sally M. Dalzell, Senior Counsel  
Federal Facilities Enforcement Office, 2261A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20004  
(202)564-2583  
(202) 501-0069 (fax)  
<http://www.fedcenter.gov>

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---

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**To:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Lapachin, Jyl <Lapachin.Jyl@epa.gov>; McEaddy, Monica <McEaddy.Monica@epa.gov>; Burchette, John <Burchette.John@epa.gov>

**Cc:** Dalzell, Sally <Dalzell.Sally@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>

**Subject:** FFEO Toolbox Link -Formal Dispute Tracking

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Will

Will Lindsey  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
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1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-2537

Message

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**From:** Lindsey, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5FB8B16440194D37ABB5536697BB2CD3-LINDSEY, WI]  
**Sent:** 5/18/2017 2:25:29 PM  
**To:** Harmon, Kenneth [Harmon.Kenneth@epa.gov]  
**Subject:** RE: April 2017 Enforcement Targeting Tool - **Ex. 7(e)**

Thanks for this Ken.

I would also like to chat with you (and/or others that you suggest) about doing a compliance training(s) for some of the land management agencies. I envision that it would involve FFEO presenting on the universe numbers, number of systems with violations over time etc., and then having the experts on specific rules present on complying with those rules. The big one would be the RTCR, I think. Then FFEO would present on our penalty authority under 1447 against Feds as a last reminder.

I am still in the early stages of thinking about this, but have mentioned it to FFEO management, and agreed to write up a proposal.

Thanks as always for any thoughts or advice you may have,

Will

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**From:** Harmon, Kenneth  
**Sent:** Tuesday, May 16, 2017 3:56 PM  
**To:** Lindsey, William <Lindsey.William@epa.gov>  
**Subject:** FW: April 2017 Enforcement Targeting Tool - **Ex. 7(e)**

Please let Carol know if you **don't** want time on the June agenda.

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**From:** King, Carol  
**Sent:** Tuesday, May 16, 2017 3:53 PM  
**To:** Harmon, Kenneth <Harmon.Kenneth@epa.gov>  
**Subject:** RE: April 2017 Enforcement Targeting Tool - **Ex. 7(e)**

I don't recall hearing about this repackaging specifically. Yes, I agree we should add it to the June agenda. Will make a note now.

Can you please confirm with Will?

Thanks,  
Carol

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**From:** Harmon, Kenneth  
**Sent:** Tuesday, May 16, 2017 3:50 PM  
**To:** King, Carol <[King.Carol@epa.gov](mailto:King.Carol@epa.gov)>  
**Subject:** FW: April 2017 Enforcement Targeting Tool **Ex. 7(e)**

FYI

Were you aware of this? Do you think it's of general interest to the SDWA enforcement group?

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**From:** Lindsey, William  
**Sent:** Tuesday, May 16, 2017 3:44 PM  
**To:** Harmon, Kenneth <[Harmon.Kenneth@epa.gov](mailto:Harmon.Kenneth@epa.gov)>  
**Subject:** RE: April 2017 Enforcement Targeting Tool **Ex. 7(e)**

Ken,

I would be happy to mention this effort and its purpose and hear any feedback that folks have. The primary audience has primarily been the Federal Facility Program Managers in each of the regions who, I believe, in most cases are sharing this information with enforcement folks in their Region. I have gotten some feedback (maybe from half of the regions) that it is a useful tool.

At the end of the day its information they have ready access to through the ETT, but simply repackaged to focus on issues within federal agencies.

Thanks,

Will

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Federal Facilities Enforcement Office  
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1200 Pennsylvania Ave., NW  
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**From:** Harmon, Kenneth  
**Sent:** Tuesday, May 16, 2017 2:23 PM  
**To:** Lindsey, William <[Lindsey.William@epa.gov](mailto:Lindsey.William@epa.gov)>  
**Subject:** RE: April 2017 Enforcement Targeting Tool **Ex. 7(e)**

Will,

Do you think the Regional SDWA enforcement folks on Carol's call might either want to hear about this or have useful input for you? Carol could give you a spot on the agenda for next month's SDWA enforcement call.

Ken Harmon  
Office of Compliance (2227A)  
U. S. Environmental Protection Agency  
Washington, DC 20460  
(202) 564-7049

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**From:** Lindsey, William  
**Sent:** Friday, May 12, 2017 10:47 AM  
**To:** Harmon, Kenneth <Harmon.Kenneth@epa.gov>; Taveras, Raquel <Taveras.Raquel@epa.gov>; Keith, Elinor <Keith.Elinor@epa.gov>; Branning, Hannah <Branning.Hannah@epa.gov>  
**Subject:** FW: April 2017 Enforcement Targeting Tool - **Ex. 7(e)**

Hi Everyone,

I can't remember if I have shared this with you in the past, but for the past several quarters we have been providing this to the Federal Facilities Program Managers in each region. It is meant to pull out the federally-owned systems in each region. We also input the associated agency name. **Ex. 7(e)**

**Ex. 7(e)**

Thought you all would be interested. I also welcome any thoughts or critiques.

Thanks,

Will

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Federal Facilities Enforcement Office  
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**From:** Lindsey, William  
**Sent:** Friday, May 12, 2017 10:41 AM  
**To:** EPA FFPM <EPA\_FFPM@epa.gov>; OECA-FFEO <OECAFFEO@epa.gov>  
**Subject:** April 2017 Enforcement Targeting Tool - **Ex. 7(e)**

Hi everyone,

# Ex. 7(e)

As always, please let me know if you have questions or comments on this spreadsheet.

Cheers,

Will

<< File: April 2017 FF ETT.xlsx >>

Will Lindsey

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Message

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**From:** Lindsey, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5FB8B16440194D37ABB5536697BB2CD3-LINDSEY, WI]  
**Sent:** 8/2/2017 12:56:43 PM  
**To:** Freyre, Dominique [freyre.dominique@epa.gov]  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

I think so.

## Ex. 5 - Deliberative Process

Will Lindsey  
Federal Facilities Enforcement Office  
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**From:** Freyre, Dominique  
**Sent:** Wednesday, August 02, 2017 8:55 AM  
**To:** Lindsey, William <Lindsey.William@epa.gov>  
**Subject:** FW: VA ABQ - Review of Revised Draft CAFO

Hey Will,

Is this the final word document that you have? (the one where a typo was corrected and some language was added?)

Thanks!

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**From:** DeGrandi, Michelle [mailto:Michelle.DeGrandi@va.gov]  
**Sent:** Thursday, June 22, 2017 4:40 PM  
**To:** Hunt, Stuart <Hunt.Stuart@epa.gov>  
**Cc:** Boyea, Robert P. <Ex. 6 - Personal Privacy@va.gov>; Lindsey, William <Lindsey.William@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Robertson, David <robertson.david@epa.gov>  
**Subject:** RE: VA ABQ - Review of Revised Draft CAFO

Attached is the draft CAFO with the requested information. If you need anything else, just let me know. Otherwise, we'll stand by for the final copy for signature.

Thanks!

Michelle M. DeGrandi  
Environmental Attorney  
Office of General Counsel (RPLG)  
Department of Veterans Affairs  
14312 Hayes Street  
Overland Park, KS 66221  
(913) 400-2106

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**From:** Hunt, Stuart [mailto:Hunt.Stuart@epa.gov]  
**Sent:** Friday, June 16, 2017 8:25 AM  
**To:** DeGrandi, Michelle

**Cc:** Boyea, Robert P.; Lindsey, William; Freyre, Dominique; Robertson, David

**Subject:** [EXTERNAL] VA ABQ - Review of Revised Draft CAFO

Dear Michelle,

## **Ex. 5 and Ex. 7(a) - DPP and Enforcement**

Thank you for your cooperation in resolving this matter.

Stuart

Stuart E. Hunt, Attorney-Advisor  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
WJC South Room 2211A  
1200 Pennsylvania Ave., NW (MC 2261A)  
Washington, DC 20460  
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